

**IMPROVING LABOUR SYSTEMS IN SOUTHERN  
AFRICA**

**REPORT OF THE FINAL EVALUATION  
23 DECEMBER 2008**

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# EXECUTIVE SUMMARY

## *Key findings*

Each of the six countries in which ILSSA carried out activities had significant development needs at the time that the Project was designed. In particular, each country lacked basic capacity – across all the tripartite partners – to regulate its labour market fairly and efficiently. In a number of countries labour laws were out of step with international standards and/or with contemporary approaches to labour market regulation. Labour ministries lacked basic equipment, and many personnel lacked key capacities to carry out their functions in the administration and enforcement of labour laws, whether in the area of mediation and conciliation of labour disputes, or in the area of labour inspection and enforcement. Both labour courts and independent labour dispute resolution institutions lacked basic technological capacity to manage their workloads and to disseminate their decisions. In many of the Project countries, both unions and employer organisations lacked basic knowledge of the labour law framework, and of appropriate labour relations techniques and strategies. In addition, there was widespread misunderstanding (and in some cases ignorance) in the general population about the rights and obligations of workers and employers, and about the role of government in labour relations.

ILSSA was designed to ameliorate these obstacles to the economic development of each of the Project countries. In order to target the Project's activities as effectively as possible, the PRODOC was developed by ILO officials with experience of implementing projects to promote improved labour relations, and with knowledge and experience of USDOL project management and reporting requirements. The initial plan of specific Project activities, including the timeline for their delivery and the measures to be used in monitoring Project performance, were developed in close consultation with the intended beneficiaries in each of the Project countries, with the assistance of USDOL, ILO technical specialists stationed in the sub-region, and a consultant from Management Systems International recruited by USDOL. The CTA selected for the Project had several years' experience in a similar USDOL-funded project implemented by the ILO in Nigeria, and had the benefit of participating in the Project design mission, including the determination of the criteria to be used for performance monitoring purposes.

Once the Project was established, key stakeholders took active roles in the planning and delivery of specific Project activities in each of the Project countries, in particular through the PACs that were established for this purpose. Stakeholders reported high levels of satisfaction with the quality of the Project's activities, in particular the content of training programmes that were delivered, and the quality of the consultants engaged to deliver training. Labour ministries reported their gratitude for the insights gained from audits carried out by the Project, and their satisfaction at making progress toward development and implementation of labour inspection policies and guidelines. They also reported their gratitude for computers and other equipment provided by the Project, and for software developed to assist them to capture and manage data arising from their labour inspection activities. The Industrial Court in Malawi is reported to be grateful for the case management system that ILSSA provided.

Many stakeholders in Project countries reported the view that understanding and knowledge of labour laws, and of good labour relations practices were much higher at

the end of the Project than at the outset. There were reports of reduced levels of industrial disputation, and higher levels of collective bargaining which, it was also reported, was more effective than had previously been the case. Data collected as part of ILSSA's performance monitoring plan – although in some cases incomplete – tended to support the anecdotal views that were reported to the Evaluation Team. ILSSA appears to have had some positive impact in producing greater awareness of labour law and labour relations through its efforts to generate media expertise and interest in the field.

Stakeholders however also reported dissatisfaction and disappointment about aspects of ILSSA's activities. Labour Courts in Swaziland, Lesotho and Botswana did not receive case management systems, although these were specifically foreseen in the original project planning. Neither did they receive support to publish their judgments; although this was not originally planned it would have been possible within the Project's broad objectives, and was the subject of requests for support. The DDPR in Lesotho also reported its disappointment that ILSSA did not provide it with a case management system.

Other planned activities were either not delivered, or were not delivered to the extent and at the time that was foreseen, or which might have been appropriate and possible. Concerns were expressed that NPCs were not given sufficient autonomy to carry out the Project's activities in the countries in which they were engaged, although this was addressed to some extent following the Mid-Term Evaluation.

Many people reported frustration and/or puzzlement about the way in which ILSSA allocated its financial support to Project activities. Members of PACs were almost uniformly frustrated that they were not able to know how much money was available for activities in their country. While the Project design did not allocate funds on a country-by-country basis, a global figure could have been provided to each PAC on a yearly basis, based on the agreed workplan. Although the precise sequences of events are not entirely clear, in several quarters there is clearly a perception that ILSSA on occasion withheld financial support for activities that were within its objectives, or withdrew support that had previously been offered. Likewise, there is a perception in some quarters that activities which were to receive support from the Project subsequently had to be cancelled as a result of project management. Members of the PAC in Botswana reported for example that planned workshops in some cases had to be scaled down because of Project decision-making about finances, and in others, completely cancelled. For them, this raised a further question as to how funds that may have been previously allocated for an activity in Botswana were then finally allocated.

In some cases, events beyond the direct control of the Project affected its capacity to deliver the full range of planned activities. The Labour Ministry and the social partners in Namibia acknowledged that delays in concluding the country's labour law reforms had hampered ILSSA's ability to deliver all activities planned for that country. It would appear that certain factors external to the Project also posed obstacles towards progress in both Botswana and Lesotho. Moreover, changes in personnel at the level of the NPC in both Botswana and Namibia made it harder for the Project to continue with a steady flow of activities.

ILSSA and the CTA were overseen by ILO units in the sub-region, and also in headquarters. USDOL was informed about Project progress both through regular formal reports and through frequent informal contact with ILO/Declaration. There was regular communication between ILO/Declaration and ILO/Dialogue and the CTA about all aspects of project planning, administration and management. The CTA also liaised with the Director of ILO/Pretoria and with ILO officials in the SRO/Harare. ILSSA was the subject of an Interim Assessment and also a Mid-Term Evaluation. The reports of these exercises each identified a risk that the Project would fail to meet its objectives because progress toward implementation of its planned activities was too slow. The findings and recommendations of these reports were emphasized to the CTA separately in correspondence from ILO/Declaration. ILO/Pretoria received copies of the reports, and of the separate correspondence. It appears, however, that the performance of the CTA was not formally reviewed within the context of a performance development or management framework.

### ***Key conclusions***

ILSSA was designed to address important development needs in each of the Project countries. Its intended activities were meticulously planned, in consultation with key stakeholders, and with the participation of the key Project staff member, the CTA. ILSSA had a strong positive impact in the region, due to the high quality of the activities and support that it provided for stakeholders, the care that was taken in planning its activities, and the input of ILO officials in Declaration, Dialogue and the SRO/Harare.

ILSSA failed by some way to meet its objectives. A significant number of planned activities were not completed, and many took place too late in the Project's life to enable a satisfactory assessment of whether gains from them will be sustainable. The media and communications campaign appears not to have been a sufficient focus of Project activities, although it is an area in which significant gains can be made with relative ease, and in which ILSSA did in fact have some important successes. Far less was done to support dispute resolution institutions and courts than was foreseen in the PRODOC, and than was possible, given their relative stability throughout the period during which the Project was implemented. (Namibia is an important exception in this respect, as the institutions remain yet to be created). Far less training on labour law was delivered by trained trainers than was envisaged by the PRODOC and than may have been possible had Project management planned activities earlier and managed its financial and human resources better.

Primary credit for ILSSA's many successes is due to the work of the CTA. It follows however that primary responsibility for any failure to meet Project objectives must also rest with the CTA. Project CTAs are engaged at a senior level, and are expected accordingly to operate with a high degree of autonomy and to accept a commensurate level of responsibility. In keeping with this structure, the ILSSA CTA acknowledged that he was accountable for Project activities, including both successes and failures. The ILO, particularly Declaration, made efforts to improve ILSSA's performance and its capacity to pursue and to achieve its objectives, both informally and formally. Neither was particularly effective as a means of inducing the CTA to revise his approach to project management and administration. It may have been appropriate to give more consideration to whether the Project could have been delivered better in other ways, including by reviewing the Project management and its structure. Closer

supervision of ILSSA and its CTA by ILO/Pretoria and formal evaluation of his performance, particularly following the Interim Assessment and the Mid-Term Evaluation, may have helped improve the Project's delivery.

### ***Key recommendations***

Both ILO and USDOL should re-evaluate aspects of their project planning, and their systems for managing project performance. As noted in the Mid-Term Evaluation report, it is imperative that care be taken in planning projects and project activities where they are dependant upon major political processes such as the completion of labour law reforms. It would also be prudent to redouble efforts to ensure that projects are able to continue to deliver a range of activities in cases where they confront obstacles that are not of their own making, including from political processes.

The ILO should explore ways to facilitate greater stringency and precision in its control of project management where that can be achieved in a way that is consistent with the need and the desirability of ensuring that project management are able to operate with sufficient autonomy, and that they do in fact operate that way. The ILO must ensure that office directors with line management responsibility for project staff are fully aware of both their powers and responsibilities in that role. It must also ensure that these functions are properly exercised in practice. It may be appropriate to revise the terms in which the ILO expresses the job responsibilities of a project CTA, and the way in which the CTA is to operate within the ILO's broader structures. The job description, for example, might 'place more emphasis on the fact that a CTA is to 'report in the first instance to', and 'work under the direct supervision and control of' the relevant ILO Office Director. It might also be appropriate to ensure greater clarity in the relationship between ILO Declaration and project CTAs, so that CTAs are aware that ILO Declaration has a key role in directing a project's activity within the framework of its established planning.

Both the ILO and the USDOL might give consideration to the way in which they make funding for projects available, and redouble their efforts to ensure that projects are delivered in a way that takes account of the full implications of some US Government funding rules. Thus, for example, project design that incorporates donation of equipment will be subject to the rule that no equipment may be delivered in the last 12 months of a project. It would therefore be prudent, either in project planning or development to take steps to ensure that equipment is in fact delivered well in advance of the last 12 months. More broadly, it would be valuable to consider establishing performance benchmarks by which to determine whether to continue with project funding, and to make the continuation of project funding explicitly contingent upon meeting those benchmarks. It might be possible, for example, to give significant weight to an assessment or review of a project carried out during its second year. In cases where benchmarks are not met or sufficient progress is not otherwise made, project funding might be withdrawn, in consultation with the stakeholders concerned.

## ACRONYMS

ALE	Association of Lesotho Employers
BFTU	Botswana Federation of Trade Unions
BOCCIM	Botswana Confederation of Commerce, Industry and Manpower
CCMA	Commission for Conciliation, Mediation and Arbitration (South Africa)
CMAC	Commission for Mediation, Conciliation and Arbitration (Swaziland)
COLETU	Congress of Lesotho Trade Unions
COMATU	Congress of Malawi Trade Unions
CTA	Chief Technical Adviser
DDPR	Directorate of Dispute Prevention and Resolution (Lesotho)
DPSM	Department of Public Sector Management (DPSM)
DLSS	Department of Labour and Social Security (Botswana)
FSE&CC	Federation of Swaziland Employers and Chambers of Commerce
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ILO	International Labour Organisation
LaRRI	Labour Resource and Research Institute (Namibia)
LECODU	Lesotho Congress of Democratic Unions
LTEA	Lesotho Textile Exporters' Association
LTUC	Lesotho Trade Union Congress
MCTU	Malawi Congress of Trade Unions
MLSW	Ministry of Labour and Social Welfare (Namibia)
NACOLA	National Advisory Committee on Labour (Lesotho)
NEF	Namibian Employers' Federation
NPC	National Project Coordinator
NUNW	National Union of Namibian Workers
PAC	Project Advisory Committee
PMP	Performance Monitoring Plan
PRODOC	Project Document
SADC	Southern African Development Community
SATUCC	Southern African Trade Union Coordinating Council
SFTU	Swaziland Federation of Trade Unions
SGA	Solicitation for Grant Applications
SLASA	Strengthening Labour Administration in Southern Africa
SNAGAP	Swaziland National Association of Government Accounting Personnel
SRO	Sub-Regional Office (ILO)
TOR	Terms of Reference
USDOL	United States Department of Labour

## BACKGROUND AND PROJECT DESCRIPTION

The Project covered Botswana, Lesotho, Malawi, Namibia, Swaziland and Zambia, countries with diverse political histories, development levels, legal backgrounds and cultures. These countries however also share many characteristics, including membership of the Southern African Development Community (SADC), economic structures, the challenges of adapting to economic globalization, and trading dependence on South Africa. Their labour market profiles all feature low levels of employment in the formal economy, high unemployment and under-employment, gender inequalities, and high HIV/AIDS prevalence rates.

The six Project countries are currently endeavouring to bring their labour laws into conformity with certain international labour standards, and with the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. All have paid particular attention to the freedom of association, and the need to ensure effective recognition of the right to bargain collectively. Legislative reform in the region also reflects some moves toward regional integration of labour and employment laws in SADC countries.

All six Project countries face major challenges in the administration and management of their labour law and dispute resolution systems. In each Project country either one or both of the social partners is weak and/or largely ineffective. In Botswana and Lesotho, for example, the respective trade union federations have very low membership levels, and in the case of Lesotho are beset by fragmentation. The various weaknesses of the social partners translate in turn to low levels of understanding among workers and employers of the requirements and operation of national labour and employment laws. In each Project country the Ministry responsible for labour affairs also lacks adequate staff and resources, with adverse consequences for adequate labour administration and inspection. In Lesotho, Malawi and Zambia, for example, labour officers were largely without transport, until ILO projects in the region provided motorcycles for them to carry out their work.

Dispute resolution agencies in all six Project countries are under-resourced, and have staff that are often unable effectively to carry out their duties in labour inspection and/or mediation and arbitration of labour disputes due to lack of training, facilities and resources. In Botswana, for example, the Department of Labour and Social Security (DLSS) has experienced continuing difficulty in establishing a cohort of mediators and arbitrators to operate within a dispute resolution system that was new in early 2004. The result has been a continuing high load of cases in the Industrial Court. Moreover the Industrial Court in Botswana suffers from its own institutional weaknesses, as do similar courts in other Project countries. They typically have limited staff and resources, are unable to manage their case loads effectively, and are concerned as to whether their judgments are sufficiently well publicized that the law is known.

The ILO has been active for some time in providing sustained technical cooperation throughout the SADC region for some time. The six countries in the ILSSA Project, in particular, have been the target of intensive technical cooperation work in the areas of labour law (particularly freedom of association and collective bargaining) and



dispute resolution. From October 2001 the ILO began implementing a three year, \$1.8 million USDOL-funded project on Strengthening Labour Administration in Southern Africa (SLASA). That project covered Botswana, Lesotho, Malawi and Zambia. Headquartered in Zambia, SLASA's aims included labour law reform in Zambia, capacity-building in labour ministries, especially with respect to labour administration and inspection, strengthening of labour dispute resolution institutions, and capacity-building for workers' and employers' organisations.

In 2003 USDOL extended additional funding for SLASA, and also issued a Solicitation for Grant Applications (SGA) that covered Botswana and Lesotho. The SGA sought projects aimed at achieving three immediate objectives: (1) increased knowledge among workers and employers of national labour laws and of the available means to access labour ministry services to enforce the rights established by those laws; (2) strengthen labour ministry inspection systems to effectively enforce national labour laws; and (3) create new or strengthen existing dispute resolution mechanisms within the ministries of labour.

The ILO was the successful applicant in response to the SGA and was awarded \$4.1 million to carry out the project work. The ILO and the USDOL therefore conducted a project design mission in February 2004. Following the design mission, the USDOL and the ILO prepared a strategic framework and a Performance Monitoring Plan (PMP) with a list of performance indicators in cooperation with the project beneficiaries. The Chief Technical Adviser (CTA) was recruited in April 2004. After further consultations, the USDOL and the ILO finalized the project document in May 2004, and held a project launch ceremony in October 2004. The PMP was approved in December 2004, and baseline data collected from December 2004 to March 2005. ILSSA was subject to an Interim Assessment during 2005, the report of which was finalised late that year. A Mid-Term Evaluation was conducted in late July 2006, the report of which was finalised in October that year.

ILSSA had **two Development Objectives**: (1) Increased compliance with national labor laws; and (2) Improved labor – management relations. These objectives were to be pursued by achievement of its **three Immediate Objectives**: (1) Increased knowledge among workers and employers of the rights, obligations and services under national labor laws; (2) More effective use of the labor inspection system; and (3) Increased use of the dispute prevention and resolution systems. The main target groups for ILSSA project activities were government officials in Labour ministries, representatives of employers' and workers' organisations, and personnel involved in dispute resolution, whether within government or independent dispute resolution agencies. At the same time, a key goal for ILSSA is awareness-raising generally, and thus wide dissemination of information about labour law and dispute resolution systems in each of the six Project countries.

Project activities in Malawi and Zambia – former SLASA Project countries – concluded in December 2006. All ILSSA Project activities were scheduled to conclude in April 2008, however in February 2008 a six month extension was granted to final conclusion date of 15 September 2008.

## PURPOSE OF EVALUATION

The purpose of the Final Evaluation was to:

- Assess whether the assumptions that underpinned the Project's design had remained valid throughout the Project's life, whether the Project outputs and activities had addressed the needs of constituents, and whether its strategy was appropriately designed, and its objectives and outputs were achievable.
- Examine the final status of the Project including: (a) the relevance of the Project's activities, outputs and objectives; (b) the extent to which the social partners and other Project beneficiaries in each Project country were committed to its objectives and activities; (c) the quality, timeliness and effectiveness of Project activities, taking into account in particular the detailed timeline that was appended to the original PRODOC; (d) the efficacy of technical and administrative support provided to the Project management team by ILO units at HQ and in the field; and (e) the capacity and efficiency of the Project management team.
- Identify the key outcomes and achievements of the Project, and also the areas in which the Project could have performed better, and in each case, the reasons.
- Highlight examples of best practices that could be replicated in future projects.
- Make recommendations as to how to avoid any falling short in future projects.
- Assess whether Project activities and expenditure are likely to have led to sustainable outcomes.
- Review the financial management of the Project and consider the relationship between Project expenditure and sustainability of Project outcomes.
- Consider whether the performance monitoring system for collecting performance data was apt to systematically measure the impact of Project performance.

## EVALUATION METHODOLOGY

The evaluation was carried out by a three-member team. The team leader was Mr Colin Fenwick, Director of the Centre for Employment and Labour Relations Law at Melbourne Law School, in The University of Melbourne. The other team members were Mr Steven Marler, USDOL, and Mr Wael Issa, ILO Programme on Promoting the Declaration on Fundamental Principles and Rights at Work. This team had carried out the Mid Term Evaluation of the Project in July 2006.

Colin Fenwick first reviewed and refined the TOR in consultation with the other members of the Evaluation Team. The team members reviewed a range of documents, including the SLASA and ILSSA PRODOCs; the report of the Mid-Term Evaluation of SLASA (November 2003); the report of an Interim Assessment of ILSSA (November 2005); the report of the Mid-Term Evaluation of ILSSA; Project Status Reports; Project Technical Progress Reports; and Workplans for both ILSSA and for each of the six Project countries. The three team members held a telephone conference in early August 2008, attempting to include the CTA in that conversation.

The evaluation team conducted a mission to southern Africa from Sunday 17 August to Friday 29 August 2008. At the start of the mission the Evaluation Team interviewed the CTA and the Director of the ILO Office in Pretoria. The evaluation team then travelled to Namibia, Botswana, Swaziland and Lesotho. In each location the team met with the NPC, representatives of the PAC, representatives of government, employers and unions, representatives of the dispute resolution institution and the labour/industrial court, and people who had participated in Project activities. The evaluation team interviewed or met with more than 85 people either individually or in group meetings.

The Evaluation Team used a broadly-structured methodology in interviews and meetings. This covered in turn the subjects' knowledge of and participation in the Project; impressions of how subjects and/or their institution have benefited from Project activities; institutional capacity and needs; level of satisfaction with Project activities and management; areas of particular success, and opportunities missed; and their assessment of the sustainability of the Project's key capacity-building activities.

The Evaluation Team could not have carried out its mission without the complete support of the CTA, Project staff in Pretoria and Project countries, and also the Director of ILO/Pretoria. The Evaluation Team thanks all concerned for their assistance in this respect.

## PROJECT STATUS

ILSSA was designed in February and March 2004, and launched in October that year. Among other things, ILLSA took over activities that had originally been planned as part of SLASA. The PMP was approved in December 2004, and baseline data collected from December 2004 to March 2005. ILSSA was subject to an Interim Assessment during 2005, the report of which was finalised in November that year. A Mid-Term Evaluation was conducted in late July 2006, the report of which was finalised in October that year. Originally intended to conclude in April 2008, ILSSA was extended in early 2008 to a final conclusion date in September.

At the time of the Final Evaluation, therefore, the Project was in its very last stages. During its life the Project had:

- Carried out planning for awareness-raising activities in all Project countries, and during its last year and half (approximately) carried out sustained activities in this respect in Botswana, Lesotho and Swaziland in particular.
- Provided extensive support to labour law reform processes in all Project countries, well into the time during which the Project was being carried out.
- Trained trainers on labour law in all Project countries, and overseen the delivery of a number of workshops by those trained trainers.
- Supported audits of labour ministries in all Project countries and provided assistance in the development of plans to implement the recommendations of audit reports, including in particular the reform of the delivery and management of labour inspection, especially through the development of Guidelines and Codes of Good Practice to shape labour inspection activities.
- Trained trainers on labour inspection, and delivered training to a significant proportion of the labour inspectors in each of the Project countries.
- Provided computerized systems for data generation and management by labour inspectorates in Botswana, Lesotho, Namibia and Swaziland.
- Provided motorized transport to labour inspectorates in Lesotho and Malawi (motorcycles) and also in Zambia (refurbished cars).
- Delivered training on dispute resolution processes for members of dispute resolution bodies and also for leaders of employers' and workers' organisations.
- Delivered training on collective bargaining and negotiations to representatives of the tripartite partners in each Project country.
- Supported processes for the development of a negotiated approach to labour management relations in the public services in several Project countries.

# FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

## *Validity of project objectives, strategy and assumptions*

### *Findings*

1. Each of the six countries in which ILSSA carried out activities had significant development needs at the time that the project was designed. In particular, each country lacked basic capacity – across all the tripartite partners – to regulate its labour market fairly and efficiently. In a number of countries labour laws were out of step with international standards and/or with contemporary approaches to labour market regulation. Labour ministries lacked basic equipment, and many personnel lacked key capacities to carry out their functions in the administration and enforcement of labour laws, whether in the area of mediation and conciliation of labour disputes, or in the area of labour inspection and enforcement. Both labour courts and independent labour dispute resolution institutions lacked basic technological capacity to manage their workloads and to disseminate their decisions. In many of the project countries, both unions and employer organisations lacked basic knowledge of the labour law framework, and of appropriate labour relations techniques and strategies. In addition, there was widespread misunderstanding (and in some cases ignorance) in the general population about the rights and obligations of workers and employers, and about the role of government in labour relations.
2. ILSSA was designed to ameliorate these obstacles to the economic development of each of the project countries. In order to target the project's activities as effectively as possible, the PRODOC was developed by ILO officials with experience of implementing projects to promote improved labour relations, and with knowledge and experience of USDOL project management and reporting requirements. The initial plan of specific project activities, including the timeline for their delivery and the measures to be used in monitoring project performance, were developed in close consultation with the intended beneficiaries in each of the project countries, and with the assistance of ILO technical specialists stationed in the sub-region. The CTA selected for the project had several years' experience in a similar USDOL-funded project implemented by the ILO in Nigeria, and had the benefit of participating in the project design mission, including the determination of the criteria to be used for performance monitoring purposes.
3. During the course of the Final Evaluation, the CTA as well as the constituents reiterated the view expressed during the Mid-Term Evaluation, which was that the assumptions underlying the project, and the design of its activities were both valid and appropriate. The CTA emphasized that this had been his view from the outset. As noted, the CTA participated in the mission to develop in detail the plan as to what the project would seek to deliver in each of the project countries. According to ILO/Declaration, before that project design mission was carried out, the CTA had an opportunity to provide input into the development of the PRODOC itself.
4. The NPCs in Lesotho and Swaziland each expressed the view, in retrospect, that the Project might have included certain other activities, or given more emphasis than it did to activities that were planned and carried out. The NPC in Lesotho

considered that the Project design might have focused more on the fragmentation of the union movement, which in her view is a source of its relative weakness, and inability to participate effectively in some activities. The NPC in Swaziland expressed the view that the Project might appropriately have given even greater priority to the media and awareness-raising campaign, and indicated that she regretted that more had not been done in this area, and earlier in the Project's life.

5. The CTA indicated to the Evaluation Team that he had had some concerns about the specific activities planned for the project during the course of the design mission. He did not, however, say specifically what those concerns were, and neither did he identify about which activities he had expressed concerns.
6. There were however two areas about the project design as to which the CTA, looking back, did express particular concerns. One was the utility of the methodology of **training of trainers**, and its anticipated multiplier effect. Broadly speaking, the CTA expressed some doubt as to whether this will necessarily be an effective way of building capacity. The other area of concern was as to the **underlying capacity** of the institutions and personnel that the project was designed to assist – particularly the agencies of government – and variations between the several project countries in this respect. Broadly speaking, the CTA expressed some doubt about whether the relevant institutions and personnel were in fact capable of absorbing the number and level of interventions that the project had planned for them.
7. Where **training of trainers** is concerned, the CTA expressed the view that there are likely to be deficiencies in the training delivered by those who have been trained as trainers, unless they have hands-on experience of the subject matter of the training itself. In other words, there is likely to be an inherent limitation in the methodology of training trainers, unless the cohort of those trained has sufficient general skills and experience in the subject matter about which they are trained to train. The Final Report of the project put it this way:

*The approach of using trainers trained by projects has limitations. The approach is appropriate where the content of the training is not 'new' to trainers and within their past experience. Where it involves new concepts it is unlikely to achieve the desired outcomes. For example, training of conciliators and arbitrators is best done by experienced conciliators and arbitrators who can relate to questions being posed and give answers based on both knowledge and experience. Similarly, collective bargaining training is best conducted by seasoned negotiators.*

8. The CTA also identified limitations in the methodology that flow from stakeholders not making available appropriate candidates for training, or not making those who were trained available subsequently to deliver training as planned. In some cases, particularly those working for governments, trained trainers were unable to carry out training because they were transferred from one role where it would be an appropriate use of their time, to another where it would not. A number of those trained by the project at the behest of employer organisations – notably in Lesotho and Namibia – were subsequently unable or unwilling to deliver the training that they had agreed to provide. Moreover, some of those trained as trainers at the behest of employer organisations had used the skills and knowledge acquired for their own commercial gain as freelance 'labour consultants'.

9. The Evaluation Team did meet with a number of people who spontaneously expressed the view that expert trainers who had been engaged by the project had been particularly effective precisely because they were able to draw on their own experiences of certain subject matters in order to emphasize and illustrate particular issues. On the other hand, the Evaluation Team did not encounter workshop participants or trained trainers in any project country who expressed the view that trained trainers lacked the ability to deliver training effectively, especially if they were accompanied and monitored in their early training workshops, as envisaged in the PRODOC.<sup>1</sup> The NPC in Lesotho, for example, confirmed not only the importance of monitoring trained trainers in the early phases of rolling out training, but also the positive effects of doing so. In her view it contributed significantly both to the quality of the training that was delivered and to the capacities of those trained as trainers.
10. As appears further below, those with whom the Evaluation Team discussed the issue of training of trainers considered it both an appropriate and an effective methodology. Training of trainers is perceived to be effective as a means of building the capacity of the individuals who are trained to train, developing tripartite commitment from the social partners to designing and delivering training in a structured way, and as a means of reaching larger groups through a project than might be reached directly.
11. The second main issue raised by the CTA, looking back, was the **variation in underlying capacity** of the government agencies and social partners in the project countries. In the CTA's view, this posed a challenge in appropriately refining the activities of a project operating at the sub-regional level to fit the needs of each of the participating countries. More broadly, the CTA considered that the uptake and effectiveness of capacity building exercises in a project such as ILSSA will depend upon the underlying level of capacity to which the project seeks to add. In other words, the outcomes cannot be the same across all countries, and are likely to be significantly affected by local capacity. Thus, for example, while it was an objective of the project (Output 2.3) that each country should develop 'an effective national labour administration (including inspection) policy and sustainable implementation plan', then in the CTA's view judging whether or not this had been appropriately achieved must depend to some extent on what happens within a government agency in any given country. In other words, the quality of the plan adopted and the extent to which it were implemented must, to some extent, depend upon the efforts of the government concerned. As to this it might be noted that the specific outputs planned for the project are generally described in sufficiently general terms that their particular content might vary between countries depending not needs, *and also* on capacity.
12. The Final Report of the project put it this way:

- a. *Capacity limitations within the social partners posed major problems. This was particularly evident at the management levels and this had a major impact on the project's ability to achieve within the*

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<sup>1</sup> Output 1.6 envisages that the social partners will jointly participate in and deliver training on various subjects, and that they will 'monitor and report on its implementation'; output 1.8 envisages that trained trainers 'will be evaluated after conducting training.'

*time limits. As has been emphasised in previous reports and during the various evaluations that have been conducted, technical expertise will only ever be fully utilized and put to good effect, where it is supported by high levels of management commitment and reinforcement. Regrettably this is often not always apparent. Accordingly future such projects will be well advised to give more attention to building management knowledge and skills in ministries and social partners.*

### *Conclusions*

13. ILSSA was designed to address important development needs in each of the project countries. Its intended activities were meticulously planned, in consultation with key stakeholders, and with the participation of the key project staff member, the CTA. Key stakeholders and the CTA each agreed that the activities planned were intended and were designed to target specific, pressing needs in each of the project countries. The actual capacity of the tripartite partners to commit to and deliver programs of training by those trained by the project may have been over-estimated. The willingness and capacity of employer representatives to deliver training once trained by the project may have been over-estimated, in each of the project countries. The capacity of trade unions to identify suitable candidates to participate in training of trainers also hampered its utility as a capacity-building methodology.

### *Recommendations*

14. Future projects might benefit from drawing on the planning and design of ILSSA. In particular, there would appear to be significant merit in having the CTA participate in the project design mission where this is possible.
15. Insofar as training of trainers is concerned, it may be prudent to estimate conservatively in all respects, but especially as concerns the number of those to be trained as trainers, and the number of training sessions to be delivered. It may be prudent also to seek more concrete commitments from the social partners concerning their true ability to participate in training. It would also be appropriate to require project management staff, in consultation with the social partners, to establish and to apply agreed, transparent criteria to determine which persons ought to participate in training of trainer exercises. It is essential to ensure that those who are trained as trainers are observed in delivering training, and have the opportunity to participate in refresher training, as envisaged in the ILSSA PRODOC.



## ***Final status of the project***

### **Relevance of project activities, outputs and objectives**

#### ***Findings***

16. In all four Project countries that the Evaluation Team visited for the purposes of preparing this report it was universally agreed that the Project's activities were directly relevant to the identified needs of all key stakeholders and institutions. As noted, the Project was designed in close consultation with many of these stakeholders and institutions.
17. Stakeholders reported high levels of satisfaction with the quality of the project's activities. Stakeholders were satisfied with the content of training programmes that were delivered, the quality of the consultants engaged to deliver training (whether national or international) and the training materials that were used. Labour ministries reported their gratitude for the insights gained from audits carried out by the project, and their satisfaction at making progress toward development and implementation of labour inspection policies and guidelines. They also reported their gratitude for computers and other equipment provided by the project, and for the LIMIS software which the project developed to assist project countries to capture and to manage data generated by their labour inspection activities. Although the Evaluation Team did not visit Malawi for the purposes of this report, it was reported that the Industrial Court in Malawi is grateful for the case management system that ILSSA provided.
18. Stakeholders however also reported dissatisfaction and disappointment about aspects of ILSSA's activities. Labour Courts in Swaziland, Lesotho and Botswana did not receive case management systems, although these were specifically foreseen in the original project planning. Neither did they receive support to publish their judgments, which would have been possible within the project's broad objectives, and which was the subject of discussion on occasion. The DDPR in Lesotho also reported its disappointment that ILSSA did not provide it with a case management system. As appears further below, a number of activities foreseen in the PRODOC were not delivered to the extent and at the time that was foreseen, or as might have been appropriate and possible, and some were not delivered at all. Various stakeholders also expressed concern that NPCs were not given sufficient autonomy to carry out the project's activities in the countries in which they were engaged.

#### ***Conclusions***

19. The Project's activities were relevant to the stakeholders' needs and designed to meet them. The particular objectives and outputs were well tailored. Some activities may have been planned on the basis of more optimism about stakeholder participation and government processes than was warranted. A number of key Project activities were not delivered.

#### ***Recommendations***

20. As noted, other projects might benefit from detailed planning in consultation with stakeholders. As appears below, however, they would also benefit from better

delivery against project planning, from better stakeholder buy-in and from better project management.

### **Delivery of Project activities against PRODOC and timelines**

21. A detailed overview of the Project's activities, in light of the PRODOC's planning and intended timeline appears as Annex One to this report. What follows in this section is therefore a summary based on that document.

### *Findings*

22. The Project does appear to have carried out the majority of the activities foreseen in the PRODOC. Moreover those activities were generally regarded as being of high quality, and as having strong positive effects. While there is reason to be hopeful in some respects for sustainable outcomes, there is also reason for concern based on the issue of the timing of Project activities, which may have a significant impact on sustainability.
23. Unfortunately the Evaluation Team was not able to satisfy itself that it had developed a comprehensive and accurate picture of the Project's activities. It was especially difficult to be certain about *when* some activities took place, and about the numbers of people who attended or participated in them. One reason for this is the limited nature of the Evaluation exercise. In the case of ILSSA, however, this difficulty is compounded by the fact that Project records do not simply and clearly disclose – even to readers familiar with their content and purpose – what the Project did and when. Neither do they clearly disclose the reasons why certain activities were postponed, cancelled or simply did not take place. The Project's Final Report, for example, merely records whether or not certain activities occurred, without any indication of *when* they took place, or of whether they took place when planned. In addition, the SRs and the TPRs are sometimes inconsistent in their content, and in the detail in which they explain what did or did not occur. While the CTA and the NPCs did provide the Evaluation Team with information and records (some prepared for the Evaluation exercise) this did not in all respects clarify matters.

### ***Immediate Objective 1 – Increased Knowledge of the Law***

#### **Awareness-Raising and Media Campaign** (outputs 1.1 – 1.4)

24. The Project made significant progress with the media and awareness raising campaigns in some Project countries, and appears to have had particular success with radio programmes in Botswana and Lesotho, and also with one newspaper in particular in Lesotho. The majority of the Project's activities in this respect however appear to have taken place starting in 2007, which is much later than planned in the PRODOC.

#### **Reviews and reforms of labour laws** (outputs 1.1, 1.11 and 1.12)

25. Given that some reviews had taken place as part of SLASA, it was planned that further reviews would be complete by the third quarter of 2004 and that laws would be reformed in Lesotho, Malawi and Zambia by the end of the first quarter of 2006. The MTE report noted that there was some perhaps undue optimism in this planning.

26. The Project spent a significant amount of time on this area of activity, although this is not necessarily reflected in the Project's Final Report. Stakeholders were very appreciative of this work and of the national and international expertise that ILSSA was able to provide for labour law reform processes. In a number of countries, trade union officials especially reported that ILSSA made a positive contribution by encouraging governments to develop policy through social dialogue and tripartite consultation.

Sensitisation of parliamentarians on labour law reforms (output 1.13)

27. It appears that little or no such activity took place. This may have been an opportunity missed. It is possible that work in this area might have played a role in speeding up political processes that slowed down labour law reforms in a number of Project countries (especially Lesotho and Namibia). It would seem prudent in future projects to consider carrying out such work in parallel with tripartite processes to revise labour laws.

Training on labour laws and labour institutions (outputs 1.6 – 1.10)

28. Broadly speaking, by the middle of 2006 the Project was to have developed and tested training materials, facilitated the development of sustainable training plans, trained a core group of trainers in each country (two week training followed by one week refresher), and sponsored up to 12 training sessions so that large numbers of people could be trained, and the capacity of trained trainers could be verified. Thereafter, it was intended that each country would implement its sustainable training plans independently of the Project, but with its guidance from time to time.
29. It is difficult to tell from the TPRs to what extent the full programme of activities planned was achieved. The Project did develop and use training materials, drawing on materials developed at the ILO's training centre in Turin, and based on materials previously developed for an ILO project in Nigeria. The project did make progress in each of the Project countries towards training trainers, and in assisting them subsequently to deliver training to significant numbers of people. While in some cases training was delivered by Project-trained trainers it is less clear that the Project made any or any significant progress in assisting Project countries to develop sustainable plans for delivering training. It appears that fewer individuals were trained as trainers than may have been envisaged in the PRODOC and in the Project timeline. In most cases the training of trainers also took place later than envisaged in the PRODOC and its Project timeline. Lesotho is the most extreme case: training of trainers took place in March 2008, that is, with only six months of the project to run at most.
30. It does not appear that the Project supported 12 workshops in each country with trained trainers delivered training, as envisaged in the PRODOC. Neither is it clear what progress was made in delivering training independently of the project. Clearly some employer and union organisations, and some governments, have in fact delivered and continue to deliver training that derives from training provided by the project. More than that, however, it is difficult to say. Neither from the TPRs, nor meetings in the Project countries, nor with Project management, did the Evaluation Team get a clear impression of an organised programme within which training of trainers was delivered, and then those trainers delivered training.

31. As noted, the CTA expressed reservations about the utility of this capacity-building methodology, although others were more positive. Plainly there were difficulties in the delivery of the training programme envisaged in the PRODOC and some of these derived from the stakeholders in the Project countries. Future project's might plan even more precisely what is to be delivered and, among other things, how participants are to be selected to be trained, and how a project will ensure their availability subsequently to deliver training.

Regional harmonisation of labour law (output 1.14)

32. While there were some sub-regional activities, the Project does not appear to have coordinated the three sub-regional symposia (in 2005, 2006 and 2007) that were foreshadowed in the PRODOC (and which were to be timed to coincide with meetings of SADC labour ministries). It is not clear to the Evaluation Team why less was achieved in this respect than was planned.

***Immediate Objective 2: More effective labour administrations***

Audits of labour ministries; development of capacity-building strategies (outputs 2.1 and 2.2)

33. The Project facilitated audits of labour ministries in each of the six Project countries, and the development of detailed plans in Lesotho, Namibia and Swaziland. Botswana declined assistance; according to the Project's Final Report, it made the least progress. It is not clear why all six countries were audited when three had already been audited under SLASA. The project made positive contributions to the management and administration of the labour ministries in each of the Project countries, although relatively more was achieved in Lesotho, Namibia and Swaziland. It is somewhat ironic that the Project's Final Report – and the CTA in discussion with the Evaluation Team – were both critical of the lack of capacity at the managerial level in the ministries, given that there was a specific Project output relating to that very issue. It may be prudent in future to strive for greater clarity about the importance of support for labour administration generally, as distinct from the particular functions of labour inspectorates.

Development of effective national labour administration plans (output 2.3)

34. The Project developed and disseminated a draft 'generic' policy, and coordinated workshops in all six Project countries. Draft policies were developed in Botswana, Lesotho, Namibia, Swaziland and Zambia; it is not clear what if anything was achieved in Malawi. The Project facilitated a sub-regional meeting on labour inspection in February 2007, which was attended by senior officials, and also by officials from ILO Geneva and Harare. Several Project countries had still not finalized the plans foreseen in the PRODOC by the time the Project concluded. This emphasizes again the importance of taking into account the uncertainties of government and political processes in project planning.

#### Training of trainers within labour ministries (output 2.4)

35. The Project's Final Report includes the following passage which is relevant to this output:

*capacity (number and quality and attitude/motivation) limitations within Ministries places severe limitations on a train the trainer approach. In many instances using internal resources to conduct training would result largely in a spread of bad habits and practices of inspectors. Notwithstanding some success has been achieved in Lesotho, Swaziland and Namibia.*

36. Perhaps consistently with the views of the CTA concerning the utility of training of trainers, there is nothing in the in the TPRs about the Project providing training to a core group of trainers among the labour inspectorates. It is however clear that the Project facilitated and delivered a significant amount of training for labour inspectors, and that in some cases the training was delivered by members of labour inspectorates themselves.

37. The ILO may wish to re-examine the utility and effectiveness of training of trainers as a methodology for capacity-building. It might, for example, carry out a study based on data from the many projects that it has implemented using this methodology, in different countries and on different subject matters. Consideration should also be given to publication of the results of any such study.

#### Labour inspectors trained in each country by the trained trainers (output 2.5)

38. As noted, the Project facilitated a significant amount of training for labour inspectors, and to good effect. It also worked with ARLAC to produce a labour inspection handbook that has been distributed in each country, and which provides for more 'self-directed learning' by inspectors. The labour inspectors and their managers who met the Evaluation Team were universally grateful for the training received, and positive about its likely effects on their work and their institutions.

#### Computerized inspection and reporting systems (output 2.6)

39. This activity – which contemplated both development of software and provision of hardware – was due to start in late 2005, and to continue through 2006 and into 2007. The Project did sponsor the development of LIMIS software, which was delivered to Botswana, Lesotho, Namibia and Swaziland. The software was also sent to Malawi and Zambia for follow-up by the ILO offices there, as ILSSA funding did not extend to those countries for this purpose. Some computers and printers were delivered in each of the Project countries. While several of the countries appear likely only to have LIMIS operating in their head offices at present, efforts are evidently in train to use the system nationally. The delivery of both hardware and software occurred much later than was planned in the Project timeline: LIMIS was installed in several countries in September 2007. LIMIS has been promoted more broadly within the ILO including through its training centre in Turin.

#### Provision of transport to labour inspectorates (output 2.7)

40. The Project delivered transport as required, although with varying effect. While the motorcycles provided in Malawi and the cars provided in Zambia have had a positive impact, it appears that little use has been made of the motorcycles delivered to Lesotho.

***Immediate Objective 3: Increased use of the dispute prevention and resolution systems***

Training for members of DDPR and CMAC (output 3.1)

41. The Project largely delivered what was planned, and for the most part in accordance with the intended timeline.

Institutional support for new dispute resolution agencies in Botswana and Namibia (output 3.2)

42. The Project appears to have provided a significant level of well-targeted support and training to dispute resolution institutions in Project countries. It is not clear why this was not better highlighted in the Project's Final Report.

Case management systems for dispute resolution agencies in Botswana, Lesotho, Namibia and Swaziland (Output 3.3)

43. It appears that the project made some positive contributions towards the improvement of capacity in relation to case management for ADR institutions and processes. It is however difficult to tell in some cases what changes in these institutions flowed from Project activities, and which from developments within the agencies or from assistance delivered by other institutions, including the CCMA.

Training on industrial relations, negotiation, conciliation, mediation and dispute prevention (output 3.4)

44. The Project appears to have focused a good deal of energy toward achieving this output, and based on discussions with stakeholders, to good effect. Its efforts in supporting public sector negotiators, in particular, were very well received.

Employers and workers trained in collective bargaining (output 3.5)

45. As the Project's Final Report clearly indicates, this is an area in which considerable energy was expended, and according to those who participated, to good effect. It was apparent to the Evaluation Team that this was an area of activity in which the CTA considered himself to have particular knowledge and skills. Moreover, his abilities were favourably commented upon and acknowledged by those who had participated in workshops that he had facilitated.

Assessment of labour courts in all countries (output 3.6)

46. The Project appears to have achieved the intended objective in this respect, although perhaps not in the planned time frame.

Sub-regional activities for labour courts (output 3.7)

47. It would appear that much of what was envisaged in respect of this output was not achieved. Although there was at least one sub-regional activity, the yearly national retreats at a sub-regional level that were foreseen in the PRODOC appear not to have taken place.

#### Case-management systems for labour courts (output 3.8)

48. The Project provided a case management system to the Industrial Relations Court in Malawi, but not to a court in any other Project country. The Project appears to have moved far too late in the piece to develop test and disseminate the necessary system. There is no clear reason why this output was not achieved.

#### *Conclusions*

49. The Project achieved much of what it was designed to achieve. Many of its activities were of high quality and were very much appreciated by the stakeholders concerned. In some cases there are likely to be sustainable effects, such as in the area of labour inspection where significant training was delivered, and the LIMIS system has the potential to play a long-lasting role in developing the institutional capacity of Project countries' labour administrations. The Project has evidently made significant contributions to labour law reform processes that are likely to have lasting effects not only in terms of the laws themselves, but in terms of the example they have set for policy-making through social dialogue. Moreover the Project appears to have made strong positive contributions in particular in the area of collective bargaining and negotiation skills in the public service in a number of Project countries.
50. There must however be significant doubts about the sustainability of the outcomes from some Project activities, given the delay in delivering them compared with the timeline foreshadowed in the PRODOC. Many things, including the LIMIS, were delivered much later in the Project's life than envisaged. Now that the Project has concluded, it is not clear to what extent some of the stakeholders will be able to continue with what was planned. It is not clear, for example, that all Ministries will be able to deal with issues that may arise from the implementation and continued use of LIMIS. The Project did not establish – as envisaged in the PRODOC – cohorts of trained trainers in various fields, and neither did it provide sufficient refresher training for trained trainers or facilitate sufficient training sessions by the trained trainers. The Project achieved far less than it ought to in the area of awareness-raising and media campaigns, and in some cases (such as provision of case-management systems for labour courts) it achieved virtually nothing, without obvious explanation.
51. It is clear from the PRODOC and the original timeline that much was to be done in the early years of the Project, precisely so that the Project could then help Project countries to fine-tune the outcomes of the Project's interventions. With LIMIS, for example, it would clearly have been best to have the system designed and installed by about half way through the Project, so that difficulties in its application could be resolved, and so that ILSSA could assist Project countries to realise more of the possibilities of such a system.

#### *Recommendations*

52. Project planning and administration should put greater and more specific emphasis on the significance of delivery of planned activities in accordance with the envisaged timeframe, and of the importance of this for ensuring sustainability of outcomes. Consideration might be given to including specific targets to be met in terms of expenditure of project funds, for example, so as to ensure that there is significant investment early in a project's life, so as to ensure that it is possible to

assess and to refine the outcomes while a project is still in operation. Specific instructions about these matters might be given to project CTAs. Consideration might also be given to making continued project funding contingent on satisfaction of performance targets early in the life of a project.

### **Stakeholder buy-in, support and participation in the project**

53. Stakeholders for the most part took active roles in the planning and delivery of specific project activities in each of the project countries, in particular through the PACs that were established for this purpose. As appears below, the member of the PAC in Lesotho acknowledged that it may have played a stronger role in meeting and working to manage ILSSA's activities in that country.

#### PACs

54. In **Botswana** the NPC reported that the PAC met relatively regularly, although because of the death of her predecessor it did not meet in 2007 until 25 October. In her view it was a good thing that the project structure involved a PAC, but that it did not have control of or responsibility for Project funds. On the other hand, she expressed the view that a PAC might usefully have greater autonomy, and that it would be useful to identify a PAC member with responsibility for moving things forward.
55. In **Lesotho** the NPC convened the PAC meetings, and kept and circulated minutes as appropriate. The PAC members themselves reported that the PAC did not meet as often as it might have done, and that it did not function as effectively as it ought. Some members of the PAC expressed concern at the level of bureaucracy involved in getting certain things achieved, and in receiving payments. Different members of the PAC expressed different views about the project structure, and where within it lay responsibility for delivering on the Project's planned activities. To some extent they also differed on the various roles and responsibilities of the PAC, the NPC and the CTA. One PAC member considered that the CTA's role was to provide policy guidance, and that it was the NPC's responsibility to deliver in the country itself. Another considered that responsibility for Project delivery lay in Pretoria. Yet another expressed frustration about the PAC's relative lack of control over the budget and funding for the country.
56. In **Namibia** the PAC members agreed that the structure was useful and appropriate as a means of ensuring stakeholder participation, but in practice the PAC did not meet as frequently as it might have done. Some PAC members acknowledged that its operations were affected by the broader challenges deriving from the delayed implementation of the Labour Acts of 2004 and 2007. The PAC members reported that they had formed sub-committees with various responsibilities, including one for developing the intended budget for activities. The work of the budget sub-committee was not assisted, however, by uncertainty about how much money was available for activities in Namibia from time to time. Several PAC members expressed the view that it would have been desirable to know more about the Project's budget planning processes.
57. In **Swaziland** the PAC met reasonably frequently, and its meetings were well organized, through the work of the NPC. PAC members acknowledged that the PAC could have met more frequently, and that some of its members might have



been more assiduous about their attendance at meetings. The PAC members considered that the structure gave them sufficient control over the direction of the Project's activities in Swaziland, however they would have preferred to have more detailed knowledge of the Project's budget and financial planning processes.

58. Governments in all Project Countries were generally strongly committed to what ILSSA sought to achieve. They had been consulted during the project design process, and they were enthusiastic to receive the Project's planned contributions to their capacity. At the same time, in each case certain government processes detracted from ILSSA's achievements. As noted, the CTA expressed the view that deficiencies at the managerial level in governments in the Project countries detracted from those governments' ability to participate in and to benefit from the Project and its activities. In **Botswana** the government was committed to and supportive of the Project, providing office space and administrative support for the NPC from time to time, and participating actively in the PAC. In other respects however the level of commitment might have been improved: for example, officers who received training from the Project were in some cases subsequently transferred to positions in which they would not have occasion to draw on the skills imparted by the Project. In **Lesotho** the government provided support to the NPC and participated willingly in the PAC, including by representation from the DDPR and the Labour Court. At the same time, the government had not, by the time this evaluation report was written, completed the labour law reform process; neither had it completed the process of appointing a Manager of Labour Inspections, nor made use of the motorcycles that the project provided as transport for labour inspectors. In **Namibia** the government was especially appreciative of the work that ILSSA did, and an enthusiastic participant in the PAC and in Project activities, as it had been previously with the ILO/Swiss project. At the same time, however, all ILSSA activities in Namibia were hampered by the fact that the Labour Act 2004 was never implemented, and that the Labour Act 2007 had still not been implemented by the time ILSSA ended. In **Swaziland** various arms of government participated actively in the PAC and/or in Project activities. The Labour inspectorate appeared to have enthusiastically embraced the Project's activities and its recommendations for their work, and CMAC reported that it had often been engaged with the Project.
59. Employer organisations were officially committed to ILSSA's work in each of the Project countries, although in practice their commitment and involvement varied, which appeared to reflect their various institutional structures and capacities. In all countries at different times there was a more general problem of whether or not employers actively participated in Project activities, and were present when required. ILSSA encountered difficulties in all Project countries over the issue of employers being willing and able to go on and participate in delivery of training organised by the Project. In **Botswana** there was a particular issue with the perception that ILSSA was developing capacity to deliver training which would compete with the services of BOCCIM and/or its members who are in the business of providing commercial training, while ILSSA was providing free training. In **Lesotho**, the ALE (by its own admission) has relatively few members, especially outside the larger employers, and does not represent employers in the textiles sector, although it lays claim to contributing to the establishment of the ALTE. It was reported that employers in Lesotho, on occasion, failed to attend

and to participate in Project activities. In **Namibia** the NEF appears to be a particularly representative organisation, with 110 direct corporate members, and 9 employer association members, so that it represents a total of some 4,000 employers. On the other hand its institutional or administrative structure is very limited. Nevertheless, the NEF has been one of the key organisations to have delivered training that followed on from what the Project did. In **Swaziland** the SFE&CC reported its pleasure at having had the opportunity to participate in ILSSA management (through the PAC) and in its various substantive activities. The SFE&CC reported that many of its members were well organized and committed, that they had benefited significantly from training delivered by the Project, and that they in turn were passing the knowledge they had acquired on to their members. The SFE&CC represents over 500 predominantly large employers in Swaziland, although its representatives indicated that few if any Chinese-owned businesses are among its members.

60. Trade unions were generally also committed to the Project, indeed they were enthusiastic about the improvements that they hoped the project would bring to labour relations in the Project countries, and so to their members. In all Project Countries trade unions participated actively in the PAC, and in many cases they also participated in other tripartite working groups or committees (as did employers) with various tasks, including for example, labour law reform, and development of labour inspection policies and guidelines. In **Botswana**, the BFTU indicate that some of its affiliates have capacity deficits which limited the effectiveness of their participation in some Project activities: it was reported, for example, that some unions chose participants for Project activities who were not adequately qualified to participate. In **Lesotho**, it was widely acknowledged that differences between and within the trade union movement hamper trade unions' ability to participate effectively in Project activities, and more broadly, in the operations of labour relations in the country. In **Namibia**, it appears that trade unions participated in the PAC. Regrettably, they were unavailable to meet with the Evaluation Team at the time appointed during the mission for the preparation of this report. A knowledgeable observer of trade unions in Namibia expressed the view that they had steadily lost ground in terms of their capacity and representativity in the last ten years. In **Swaziland**, unions were active participants in the PAC and in the Project's activities, however they also suffer from certain institutional weaknesses. There are multiple union federations; few if any unions represent workers in Chinese-owned or run enterprises; and the political climate is not conducive in some respects to free trade union activity. Jan Sithole, for example, who is the Secretary General of the Swaziland Federation of Trade Unions, reported (as did others) that he is arrested from time to time, apparently in response to his trade union activities.<sup>2</sup>

### *Conclusions*

61. Stakeholders saw the Project as having much to offer them, and so they were committed to ILSSA both rhetorically and practically. Nevertheless, there were evidently many occasions on which various stakeholders experienced difficulty in

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<sup>2</sup> The ILO Committee on Freedom of Association and its Committee of Experts on the Application of Conventions and Recommendations have both considered cases involving Swaziland in recent years. Each committee has commented on ways in which both law and practice in Swaziland are inconsistent with the country's obligations under (ratified) Conventions 87 and 98.

making good on their intended contribution. Moreover governments, in particular, made decisions from time to time which detracted from ILSSA's ability to pursue and deliver its planned activities. Perhaps the most notable example is Namibia, where neither the Labour Act of 2004 nor the Labour Act of 2007 was implemented during the Project's life. There appear to be some common issues with employers making good on their formal commitments to Project activities, particularly arising from the inability (or unwillingness) to take time away from business activities to participate. Trade unions obviously suffer certain capacity deficits as well, which in some cases constrained their ability to participate effectively in Project activities.

### *Recommendations*

62. Insofar as **government** is concerned, it would be valuable to consider ways to better entrench ILO projects in government planning where they have formally committed to receive and participate in the project activities. Consideration might be given, for example, to any or all of the following: holding more regular PAC meetings; ensuring more frequent interaction between the CTA or other senior ILO staff and key government officials; and holding occasional briefings for members of government in departments or ministries that do not have responsibility for labour matters, in order to familiarise them with Project activities and priorities. In particular, members of finance or treasury Ministries – whose decisions often affect the capacity of Labour Ministries to fulfil their functions – might be included from time to time. Insofar as **employers** are concerned, future projects should give consideration to innovative ways of encouraging and ensuring employer participation, and in particular to ensuring that employer commitments to deliver training under the auspices of a project are made good. Where **trade unions** are concerned, consideration might be given in future projects of this nature to including more activities to build capacity in trade union leaders, and to address significant weaknesses such as fragmentation of the union movement. Insofar as **PACs** are concerned, future projects might strive to make even clearer both the breadth of and the limits to the responsibilities of PACs and of their members. To this end, the ILO might for example revise and refine the draft standard terms of reference for PACs as appropriate in light of the experience from ILSSA. Consideration should be given to ensuring that PACs have more and clearer information about project budgets and financial administration decisions. It may also be appropriate to consider ways in which to evaluate the performance of PACs themselves.

## **Efficacy of ILO technical and administrative support**

### *Findings*

63. The ILO either provided or recommended technical experts in a number of fields during the life of the Project. These included:
- a. M. Claude Loisel, who carried out assessments of the Labour Administrations in each of the Project countries (recommended by ILO/HQ).
  - b. Mr A Sivananthiram, who carried out work in most Project countries to revise approaches to labour inspection, and to train labour inspectors on the integrated labour inspection methodology (an official with ILO/HQ and subsequently an independent consultant).

- c. Mr Kevin Cassidy, who developed media communications strategies in Botswana and Namibia early in the Project's life (an ILO official, presently based in the United States).
  - d. Mr Daniel Dickinson and Mr Nicholas Kotch, media consultants who were engaged to develop awareness-raising activities in Botswana, Lesotho, Namibia and Swaziland from early 2007 (recommended by ILO/HQ based on their work elsewhere in Africa on similar ILO projects).
64. Discussions with stakeholders and Project management indicated that these individuals, in particular, had played significant positive roles in the delivery of the Project's planned activities. Indeed, the CTA and Mr Sivananthiram worked closely together on labour inspection methodology in the region, and jointly delivered a paper on the topic at a major industrial relations conference in March 2008.
65. The MTE report noted that there was scope for improvement in the relationship of the Project to other activities being run by the ILO in the sub-region, and in particular its relations with ILO/SRO/Harare. The CTA advised the Evaluation Team that he had increased his efforts to engage with ILO/SRO/Harare so as better to coordinate with their activities. In particular, the CTA worked to plan various Project activities in collaboration with the relevant technical specialists of the ILO based in Harare.
66. The Project was headquartered in and managed from ILO/Pretoria. The CTA reported that he received strong and positive support from the Director of that office. He also reported that ILO/Pretoria provided effective support for the administration of ILSSA. The CTA reported that he had received strong support for the work of ILSSA from ILO/Declaration and also from ILO/Dialogue.
67. As noted, the CTA expressed the view that there were complications for project management and delivery resulting from the need to interact with several different units of the ILO. He expressed the view in particular that there were complications for an ILO project deriving from the content and the application of ILO requirements as to finance and administration. The CTA's view appeared to be that this caused a certain amount of delay and administrative difficulty for delivery of Project activities.

### *Conclusions*

68. The ILO provided effective support for the Project. It did this substantively through its own expertise and its connections with others with sufficient expertise in particular fields. It also provided effective administrative and managerial support to the Project. It appears however that communication within the ILO about matters and events pertaining to the Project was not as effective as it might have been.

### *Recommendations*

69. The ILO may wish to review its protocols for internal communication where projects are concerned, so as to ensure that there appropriately integrated into the

work of the ILO more broadly, and that the ILO provides the greatest possible substantive and administrative support for the delivery of project outcomes.

### **Capacity and efficiency of the project management team**

#### *Findings*

70. The CTA was recruited to the Project after more than two years as CTA for an ILO-USDOL project in Nigeria, and before that, many years' experience in the field of labour dispute resolution in South Africa. A number of ILO officials expressed doubts to the Evaluation Team about the management capacity of the CTA, in light of their expressed view that his performance in Nigeria had not been what they might have hoped. According to these officials, the CTA was not the first choice for the ILSSA post. The Evaluation Team was told that these views were expressed during the period leading up to the appointment of the CTA. However, the CTA was recommended by some other ILO officials and had the support of the USDOL, not least in view of the findings of the Mid-Term Evaluation of the Nigeria project, which commended the CTA for his ability in managing that project in an effective, tripartite and democratic manner. In respect of these matters, at least one ILO official expressed the view that the selection process could have been conducted in a more efficient and transparent manner.
71. The NPC in each of the six Project countries was engaged after an extensive recruitment process. In Botswana, the NPC originally appointed (Ms Pearl Moatse) fell ill and died part way through the Project; following a gap of some months she was replaced by Ms Gaboiphiwe Nkgowe. In Lesotho, Malawi and Zambia the Project retained the services of NPCs who had previously been engaged for the SLASA project. In Namibia, the NPC who was originally appointed did not have her contract renewed – for performance reasons – and her replacement served with the Project for a limited time before leaving for alternative employment. In Swaziland the NPC recruited served throughout the Project.
72. The CTA expressed the view that the NPCs in Lesotho, Malawi and Swaziland had been very effective in their roles. He was not as strongly positive about the NPC in Zamiba. The CTA reported that he had been impressed with the capacity of the original NPC in Botswana to achieve key outcomes for the Project in a somewhat challenging environment, but did not appear to consider that the second NPC had the same level of ability. Not surprisingly he considered the first NPC in Namibia not to have been particularly effective, and he expressed some reservations about the second NPC there. As a general matter, the CTA appeared not to consider that the NPCs had the experience and ability to manage Project activities in a largely autonomous way, which had been suggested in the MTE report.
73. For their part, the NPCs expressed certain reservations about the staff and project management abilities of the CTA, while stressing that they maintained strong and positive personal relationships with him. The NPC in Botswana intimated that the CTA was particularly directive in his approach, leaving relatively little room for her to make suggestions about alternative ways of doing things. The NPCs in Lesotho and Swaziland each reported that they did not have the autonomy they would have preferred to be able to deliver project activities. Each expressed

frustration about the extent to which, as they perceived it, the CTA controlled the Project budget in Pretoria, leaving them relatively disempowered at the level where the Project had to deliver its activities. All three NPCs told the Evaluation Team that they would have preferred to have been able to participate in and/or to deliver more training, rather than acting merely as co-ordinators for the training delivered by the Project through others. The NPCs in Lesotho and Swaziland reported having participated in some training to a relatively limited extent, and that they had enjoyed this work very much, and considered that they made a positive contribution in doing so.

74. In each country that the Evaluation Team visited, stakeholders were generally very positive about the capacities, energy and work of the Project management team. Stakeholders in Botswana considered both NPCs to have played important roles in delivering Project outcomes; in Lesotho and Swaziland the NPCs were widely considered by stakeholders to have done an outstanding job.
75. Stakeholders were also generally positive about the ability and role of the CTA. Many people in several countries complimented the CTA's abilities as a trainer, either in collective bargaining and negotiation skills, or in his work in delivering training for public service negotiating teams. Others were appreciative of his contribution in facilitating various Project activities, ranging from PAC meetings to Sub-Regional workshops. The government of Namibia expressed its 'profound gratitude' to the CTA for his efforts, as well as to the Project. As noted elsewhere, however, many stakeholders were critical of the way in which the CTA discharged aspects of his responsibilities, in particular in relation to the administration of the Project budget. Many stakeholders reported that they would have preferred to have more information about the funds available to deliver Project activities, and there were several reports to the Evaluation Team of activities having been planned and agreed to, but not delivered. In those cases, the view was expressed on some occasions that the CTA had neither communicated nor managed the process effectively.
76. During both the Interim Assessment and the Mid Term Evaluation it was noted that concerns had been expressed about the way in which the CTA managed the work of the NPCs. It had been suggested, in particular, that the CTA was travelling to countries to deliver Project activities more often than necessary, given that NPCs with skills and local expertise were in place. It had also been suggested that the CTA was not allowing the NPCs sufficient autonomy to carry out their role effectively. The ILO Pretoria Director reiterated these views to the Evaluation Team, and compared the ILSSA project in this respect with the USDOL-funded child labour project run from the same office.
77. According to the NPCs in Lesotho and Swaziland, this aspect of the Project's management did change following the Mid Term Evaluation. Each of them reported having more control over Project activities. Each of them also reported that they then found it easier to get access to funds to support Project activities. The CTA did not report that he had consciously resolved to alter his management of the NPCs; he did however indicate (as noted elsewhere) that he had always anticipated that the rate of expenditure would accelerate during the second half of the Project as the rate of activities expanded.

*ILO interaction with the Project management team*

78. The ILO interacted with the Project management team on a regular basis, both formally and informally. Officers in ILO/Declaration and ILO/Dialogue were in frequent contact with the CTA about a wide variety of matters to do with the project implementation, including (for example) preparation and submission of workplans, SRs and TPRs, approval of budgets and proposed budget revisions, and the content and delivery of various project activities from time to time. The official in ILO/Declaration with primary responsibility for administration of ILSSA reported that he could and did from time to time refuse to approve proposals or documents from ILSSA, and/or that he could and did recommend to his superior officials such a course of action. According to him, his recommendations were not always followed. For his part, the CTA did not describe the role of this official, or that of ILO/Declaration, in similar terms. The CTA expressed the view that ILO/Declaration did not really have 'a formal role' in overseeing the Project, and that the role of the ILO official with whom he principally interacted concerning the project was 'more administrative and coordinating than a managerial role.' The CTA emphasized that his relations with this official had been excellent, and that the official had been a 'remarkable support'.
79. There is correspondence which shows that the ILO took formal steps on certain occasions to bring certain concerns about how the Project was being implemented to the CTA's attention. It also shows that the CTA responded to those expressions of concern. The correspondence centred in particular on the findings of the Interim Assessment and the Mid Term Evaluation of the Project.
80. ILO/Declaration sent a letter to the CTA in February 2006, following the Interim Assessment of the project. In that letter, ILO/Declaration sought to 'share . . . concerns over some findings of the assessment.' The letter noted that the report of the Interim Assessment complimented the quality of the project's activities, but expressed concern over the delivery rate. The letter quoted verbatim the view expressed by the team carrying out the Interim Assessment: 'Without an increase in the number and pace of activities over the next 12 months, the team is concerned that the project will not meet its objectives.' The letter set out some specific measures that the CTA should implement so as to address this concern about the timeliness of the project's activities. It also asked the CTA 'to report on the implementation of the full set of recommendations of the interim assessment in the progress reports; the next one is due in March 2006'. The Technical Progress Report of March 2006 did not contain any such report. Neither did the Technical Progress Report of September 2006.
81. ILO/Declaration sent another letter to the CTA on 1 December 2006, following receipt of the report of the Mid-Term Evaluation. It emphasized to the CTA that the Mid-Term Evaluation had found that the project was 'far behind the original timeline for activities envisaged in the project document.' The letter referred to the Mid-Term Evaluation having found that by the time that evaluation was carried out, ILSSA had expended only some 27 per cent of the Project budget, although more than half of the time available for the project had passed. The letter did not repeat the recommendations of the Mid-Term Evaluation, but did say that

ILO/Declaration ‘would like to stress . . . the importance of taking immediate action to implement all of them.’ ILO/Declaration sought from the CTA a ‘revised and detailed workplan for completion of project activities by April 2008.’ It also sought quarterly reports against this workplan, in addition to the regular Status and Technical Progress Reports. The letter of 1 December also indicates that ILO/Declaration had asked the ILO office in Lusaka to play a greater role in delivering the project’s activities in Malawi and Zambia, at least until the funds for those countries expired on 31 March 2007.

82. The CTA replied to ILO/Declaration in a letter dated 15 February 2007. Among other things, that letter asserted that spending on the project to the time of the Mid-Term Evaluation was 34.5 per cent of the project’s budget and that at the time of his letter, it had slightly exceeded 47 per cent. According to the CTA’s letter, this confirmed the doubts he had expressed to the Mid-Term Evaluation team about whether the figure quoted in its report of 27 per cent of expenditure was accurate, and also his expectation that expenditure would increase in later phases of the project’s implementation. The CTA accepted and agreed that, as the Mid-Term Evaluation report noted, the project was ‘behind the original timeline envisaged in the PRODOC’. The CTA expressed the view, however, that there were ‘valid reasons for this given the context in which [ILSSA was] operating and given issues relating to the purpose and sequencing of activities in the PRODOC.’
83. The key points made by the CTA in that letter of 15 February are summarised here:
  - a. Awareness-raising campaigns were slow in starting because they were to raise awareness of national labour laws, and in a number of countries the national labour laws were still being reformed, in some cases with ILSSA assistance.
  - b. Equipment had not been provided to stakeholders because it was thought better not to do this until it was clear that the equipment would be effectively and appropriately used. Thus, ILSSA was waiting to see that ministries, for example, had made progress toward implementing reforms that had been recommended as a result of audits carried out on behalf of the project.
  - c. Significant progress had been made in the period since the Mid-Term Evaluation report:
    - i. Media campaigns had commenced in Botswana, Lesotho and Namibia.
    - ii. A computerised Case Management system had been developed and installed in the Industrial Court in Malawi, and this was expected to serve as a template for the other jurisdictions.
    - iii. Consultants had been engaged to develop a computerised system for recording data from labour inspections; it would be used first in Zambia and then in other project countries.
    - iv. Computers had been supplied to Ministries in Malawi, Swaziland and Zambia, and to Statutory Dispute Resolution Institutions/Labour Courts in Malawi and Swaziland.
    - v. Outstanding work plans would be sent to Geneva by the end of the month.



- vi. The project had engaged in discussion with the ILO/SRO in Harare about ensuring greater coordination of their efforts.
    - d. The CTA remained ‘confident that, in the absence of anything untoward happening, we will achieve the objectives provided for in the PRODOC. I am also confident that the expectations of the donor will be satisfied.’
84. Email correspondence between ILO/Declaration and the CTA shows that on 14 March the revised workplan contemplated in this correspondence had still not been provided. ILO/Declaration sought it, and the CTA replied to the effect that he was still waiting for the plans to be delivered to him by the NPCs. As to that, he noted that difficulties had been encountered because the NPC in Lesotho had been on maternity leave, and the NPC in Botswana had been seriously ill for quite some time.
85. It appears that the report of the **Mid Term Evaluation** was not widely distributed or discussed. Neither is it clear what steps, if any, were taken to implement its recommendations. The NPC in **Botswana** – who had not been the NPC when the Mid Term Evaluation was carried out – did not appear to be familiar with the report at all. According to the PAC, the report was not tabled. In **Lesotho** the NPC reported that she did not receive a copy of the report until she directly requested one from the CTA. She also reported that while the report was discussed at a meeting of NPCs, it had gone no further than this, and she had received no instructions to table the report with the PAC. Moreover the NPC reported that the CTA had raised with her certain observations in the report that were attributable to her, and with which he disagreed. In **Namibia** the PS reported that the PAC had received a copy of the report, but that it had not interrogated it closely. In **Swaziland** the PAC reported that it did not receive a copy of the report. The NPC confirmed that her instructions from the CTA were that the report was only for ‘internal’ use.
86. The NPCs in both Lesotho and Swaziland reported that they had considered the findings and recommendations of the Mid Term Evaluation to be fair as an assessment of the Project’s progress to that point. As noted, the report was apparently discussed in a meeting of the CTA and NPCs. According to the NPC in Swaziland, the NPCs told the CTA at this meeting that they agreed that the project was not spending enough money, and was not spending it quickly enough. Neither of the NPCs reported any agreement or discussion about how the Project might respond to the recommendations of the Mid Term Evaluation.
87. The CTA confirmed that the Project had not submitted the report of the Mid Term Evaluation to stakeholders, although he indicated that the Project had given feedback to the stakeholders, including through the PACs, concerning the findings in the report. According to the CTA, it would have been inappropriate to submit the document in its entirety because certain observations within it might have been sensitive to some parties. ILO/Declaration reports that it gave the Project instructions to provide copies of the MTE to all parties, and that it told the CTA that he might make minor edits to the text if he felt that necessary before distributing it. Although the MTE report was distributed to ILO/Pretoria, the Office Director did not at first recall it.

88. Different opinions were expressed about how well the project managed the challenge of the interruption consequent upon the illness and death of the original NPC, Ms Pearl Moatse. More than one person expressed the view that the period of interruption to the Project's activities in Botswana was as much as 12 months. The CTA recalled that it may have been some months, but not as long a period as that. According to the CTA and to various Project documents, Ms Moatse was unable for some months before her death to carry out any work. The CTA's schedule of mission provided to the Evaluation Team shows that Ms Moatse's funeral was in February 2007. (The matter is not mentioned in the TPR submitted in March 2007). The mission schedule also shows that interviews for the new NPC took place in June 2007, and Ms Gaboiphiwe Nkgowe reported to the Evaluation Team that she started work with the Project in late July or early August.
89. The Labour Commissioner reported that the PAC had discussed how to continue to make progress, and that a person within the Ministry had been given some responsibilities in this respect. In the Labour Commissioner's view, however, the Project ought to have done more to make clear to this person what were their role and responsibilities. For her part, the NPC indicated that the Ministry could or should have done more to assist in filling the gap, given that the government was a primary beneficiary of the Project. The CTA did not appear to recall that an individual in the Ministry was formally identified.
90. The Director of the ILO office in Pretoria indicated that she had had some concerns about how the CTA managed the work of the NPCs. It appeared that her view was that the CTA, particularly in the early phases of the Project's activities, spent more time in Project countries delivering activities than necessary, given the presence of experienced and skilled NPCs. The Director considered that it might be appropriate or necessary to give clear instructions to a CTA.
91. The Director of the ILO office in Pretoria also reported that that there were times when she had concerns about the extent of the CTA's travel, but that she approved that travel as it was all related to the Project's objectives. The Director also indicated that she had had concerns about the rate at which the Project was delivering the activities foreseen in the PRODOC. The rate of delivery, and the likelihood that some Project funds would not be expended, was said to have been one of the factors that contributed to the decision to use ILSSA funds to support a Sub Regional meeting on developments in the employment relationship. Use of this funding was however consistent with the ILSSA PRODOC, which foresaw various sub-regional meetings.
92. The Director reported that on one occasion at least she had raised with the CTA the Project's rate of delivery, and that, according to her recollection, the CTA had attributed the cause at least in part to the challenges of working within the funding rules and processes of both the ILO and the USDOL. The Director also reported that there were various reasons why she did not raise her concerns about the CTA's travel with him, including that his travel always appeared to be related to Project activities, and the need to liaise closely with the ILO technical units involved in supervising the Project.

93. The Director of the ILO office in Pretoria appeared to consider that it was not her responsibility to review the CTA's performance, or that of the Project. To the extent that she had any such responsibility, in her view it would have been limited to an assessment of the CTA's personal and professional performance as a member of the ILO team in the Pretoria office. That is, in the view of the Director, it would have been for the responsible technical units in ILO HQ to review the CTA's performance on substantive matters. At all events, the Director reported that she had not formally reviewed the CTA's performance.

#### *Conclusions*

94. ILO/Declaration and ILO/Dialogue made significant and extensive efforts to assist the CTA in delivery of the Project's activities as foreseen in the PRODOC. It acted appropriately and assiduously to draw the CTA's attention to the key findings and recommendations of the Interim Assessment and the Mid Term Evaluation of the Project. It is clear from the tenor of that correspondence, and from the broader structure of the relationship between ILO/Declaration, ILO/Dialogue and ILSSA that the Project was formally supervised and managed by ILO/Declaration to a large degree and technically backstopped by ILO/Dialogue. It appears that the CTA considered himself free to operate more independently of these structures than he was in fact, but it is not clear why this might have been so. It is possible that a factor may be that project CTAs are appointed to a higher level position than those officials in ILO/Declaration who are charged with the day to day responsibility of managing project implementation.
95. It appears that the Director of the ILO office in Pretoria did relatively little to raise the concerns she expressed to the Evaluation Team about the Project's progress with the CTA while the Project was being implemented. It appears that neither the Director of the ILO office in Pretoria, nor any other ILO official, formally reviewed the CTA's performance in his role, as distinct from providing him with copies of the reports of the Interim Assessment and of the Mid Term Evaluation of the Project.

#### *Recommendations*

96. The ILO might consider whether it ought to review its procedures for selection of project CTAs, in order to ensure that they are appropriately transparent and competitive. The ILO might also review the position description/instructions that are given to CTAs about their relationship with other units within the ILO, and which part of the ILO is formally responsible for their management and supervision, including their performance review and appraisal. The ILO should re-examine the instructions and processes that it uses to ensure that stakeholders and project staff receive copies of project evaluations in a timely way, and that CTAs and all other project staff respond appropriately to the recommendations contained within those reports.
97. The ILO should ensure that formal performance review processes are pursued for project CTAs, and that those processes are used to draw CTAs' attention clearly to the ILO's official view of their performance. If necessary, the ILO should review its internal procedures to determine where responsibility best lies for carrying out such performance reviews. If the responsibility is to be with the Directors of ILO

field offices, then those Directors must be made aware of those responsibilities, and ILO/Declaration or some other unit, as appropriate, must ensure that they are discharged. As part of the performance review process or otherwise, the ILO should ensure that CTAs are made clearly aware of the organisation's view of their performance. Where the ILO might be considering the possibility of terminating a CTA's performance because it has not been satisfactory, the ILO should ensure that this is brought directly to the attention of a CTA.

### ***Utility of performance monitoring system***

#### ***Findings***

98. The PMP was constructed over two days at the end of the project design mission. The CTA participated in this part of the project design process. The criteria and data sources to be used were selected by the team that carried out the design mission, in light of the material and data that they had identified in each country that was likely to be available for the purpose. That team also included a consultant from Management Systems International, who had been recruited by USDOL.
99. The PMP includes a combination of quantitative and qualitative measures. Some are merely binary – for example, whether or not labour laws have been reformed. Examples of different types of quantitative indicator include the number of labour inspections carried out, the types of matters to which labour inspectors direct their attention, the number of the most common violations of the labour laws, and the percentage of labour disputes resolved by a dispute resolution body. Where these types of indicators are concerned, the PMP generally also includes targets for percentage change in each year. The PMP evidently is designed to attempt to measure change in the outcomes and activities of key actors in the labour market, particularly the state institutions to be the subject of intervention by and assistance from the project. The PMP is also designed to provide an opportunity to explain why anticipated changes in the criteria might not have occurred. Thus, while an audit of a labour ministry and training of labour inspectors is intended to improve capacity to carry out inspections, it might lead to fewer inspections (but of higher quality) rather than to more. The PMP also includes qualitative indicators as a means to evaluate the data from a different perspective. Thus, for example, it requires data about the views of key stakeholders on the state of labour relations in each country, which are to be gathered by means of surveys.
100. During the final evaluation mission, the CTA indicated in general terms that he had some reservations about the criteria that had been included in the PMP. He also indicated that he had raised some concerns at the time that the PMP was designed. The CTA was not, however, specific about these concerns in his comments to the Evaluation Team. Some indication of them might, however, be gleaned from the TPR submitted on 29 March 2006, covering the period 1 September 2005 to 28 February 2006. This is the first TPR submitted after the end of a full calendar year, and which might include data for the purposes of the PMP. In it the CTA reported that:

*Performance Monitoring Plans (PMPs) (see attached) have been updated to include information for the year 2005 (January – December). In this regard it*

*should be noted that much of the information provided should be treated with caution. Regrettably the quality of information and statistics maintained in some project countries, is unreliable and in some instances based on anecdotal input or extrapolations of historic information.<sup>3</sup>*

101. The PMP is rarely mentioned in the Project's SRs and TPRs. It is however however mentioned in the TPR submitted for the period 1 September 2007 to 29 February 2008. Under the heading 'Problems, Proposed Solutions, Actions Taken or Required' the PMP is mentioned briefly (with other matters) under the sub-heading 'Problems', in the following terms: '*Difficulties experienced in trying to get information to update the PmP.*' In respect of this and the several other matters noted under the sub-heading 'Problems', the following appears underneath the sub-heading 'Proposed Solutions':

*The capacity problems within the social partners are reflective of skills shortages, exacerbated by poor work ethics in some instances, within the various countries and the project accordingly does not have any real ability to influence/ change this.<sup>4</sup>*

102. In preparation for the mission by the Evaluation Team, a national consultant was engaged in each of the four remaining Project countries to prepare a report on the project's impact; these reports are annexed to the Project's Final Report. Of the four consultants' reports, only that for Botswana identifies the terms of reference that shaped its content. In that case, the description of the author's terms of reference suggests that they included some, but not all the categories in the PMP. In any event, three of the four reports presented data against most of the categories in the PMP, especially those for which data might be derived from government statistics on, for example, labour law violations and the work of inspectors. In the case of Lesotho, the consultant observed in their report that it was difficult to provide detailed analysis of data on labour inspections, as this data either was not available due to weaknesses in the data collection process, or because it had not yet been analysed. In the case of Namibia, the report as submitted includes headings relating to the relevant data but no data is presented; neither is there an explanation for the omission.
103. While in Botswana the Evaluation Team met with an officer of the Ministry who has fulfilled the role of statistician for some years. The Evaluation Team was provided with several years' data going directly to many of the matters required to be addressed by the PMP, and which had been published in the annual reports of the Ministry.
104. The Evaluation Team was not provided with any copies of survey instruments that may have been used to gather some of the data required by the PMP. Nor was any information provided concerning the administration of such survey instruments. The Evaluation Team was not advised by what means the PMP was completed, or by whom. Project documents give the impression that NPCs were responsible for completing the PMP from time to time.

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<sup>3</sup> Technical Progress Report, 29 March 2006, p 2.

<sup>4</sup> Technical Progress Report, 8 April 2007 [sic], p 11.

### *Conclusions*

105. It appears that the PMP were designed with the benefit of both technical and local expertise, and also with knowledge of the type of material that would be available by which to measure changes in labour relations in each of the project countries. Indeed in some cases it would appear that the categories of data to be used were designed by reference to the manner in which data was being gathered and analysed in Project countries. In this sense, the PMP was properly designed to provide indicators of the project's impact.
106. It does not appear that the project placed as much emphasis on rigorous use of the PMP as might have been desirable. The few references to the PMP in the SRs and the TPRs are negative, and that negativity is perhaps reflected in the fact that the PMP were not reliably collected and reported annually. To put it another way: if the PMP had been regarded as important by project management then it would follow that the data would have been gathered and reported in a timely way. There appears to have been a particular weakness with the development and distribution of surveys for the purpose of gathering qualitative data: these do not appear to have been distributed in the same numbers each year and in each of the project countries, which, again, suggests less attention to the PMP and its uses than might have been desirable.

### *Recommendations*

107. USDOL and the ILO might each give consideration to the design and implementation of PMPs for future projects. Moreover, it may be prudent to place greater emphasis on the importance of this element of project implementation in the instructions given to CTAs and project staff, and to take further steps to ensure that project management gather data for the purposes of the PMP as and when required, and that they report on that data gathering. It would be particularly useful if the PMP were to include specific instructions to this effect and, where surveys are concerned, if draft surveys could be included, together with agreed instructions as to the number of surveys that should be distributed each year. Consideration might be given, where the use of surveys are concerned, to establishing identified groups of stakeholders who could be surveyed each year – a form of longitudinal analysis – so that any changes in their perceptions might be identified. This might help to overcome some of the weaknesses of the implementation of the PMP in this case.

### ***Sustainability of project gains, including efforts by local stakeholders to replicate or continue project activities***

108. Many stakeholders in project countries reported the view that understanding and knowledge of labour laws, and of good labour relations practices were much higher at the end of the grant period than at the outset. There were reports of reduced levels of industrial disputation, and higher levels of collective bargaining which, it was also reported, was more effective than had previously been the case. Data collected as part of ILSSA's performance monitoring plan – although in some cases incomplete – tended to support the anecdotal views that were reported to the Evaluation Team. ILSSA appears to have had some positive impact in producing greater awareness of labour law and labour relations through its efforts to generate media expertise and interest in the field.

109. In some cases, events beyond the direct control of the Project affected its capacity to deliver the full range of planned activities. The Labour Ministry in Namibia acknowledged that delays in concluding the country's labour law reforms had hampered ILSSA's ability to deliver all activities planned for that country. It would appear that certain factors external to the Project also posed obstacles towards progress in both Botswana and Lesotho. In addition, changes in personnel at the level of the NPC in both Botswana and Namibia created difficulties for the Project's capacity to continue with a steady flow of activities.
110. As noted elsewhere, there must be doubts about the sustainability and impact of LIMIS going forward, in light of how late it was delivered, and the fact that the Evaluation Team were not able to see the correct version operating during the Evaluation mission.
111. The PS in Lesotho indicated an intention to take an action plan to the Minister to build on what the Project had delivered, both as ILSSA and as SLASA.

### ***Financial management and administration***

#### ***Findings***

112. According to both the CTA and the Director of the ILO office in Pretoria, there were deficiencies in the level and quality of financial and administrative support to the Project in its early phases. These, however, were said to have been resolved when a dedicated finance officer was engaged to work on all USDOL-funded projects being managed from the Pretoria office.
113. The reports of the Interim Assessment and the Mid-Term Evaluation each expressed concern that the Project was not using funds fast enough that they would be exhausted by the end of the Project's grant period. The Mid-Term Evaluation, for example, reported that after more than half of the Project's time had expired, only some 27 per cent of the project's budget had been expended. (The CTA, in correspondence with ILO/Declaration, subsequently asserted that when the Mid-Term Evaluation had been carried out, Project expenditure to that time had in fact been in excess of 34 per cent of the Project's budget). In each case, concern was expressed not merely concerning the rate of expenditure and whether money may be left at the end of the grant period. Rather, concern was also expressed at the risk that increasing expenditure merely to ensure that funds were used might not be compatible with delivering appropriate and effective Project activities, and achieving sustainable Project outcomes. When the Evaluation Team visited for the purposes of this report, it was advised by the Project's finance officer that it was then expected that when the Project concluded, it would have spent approximately 94 per cent of its budget. As noted elsewhere, it would appear that the PRODOC may have envisaged that some of that expenditure would take place earlier in the Project's life. As also note elsewhere, there appears to the Evaluation Team to be a link between timing of expenditure and sustainability of project outcomes.
114. The NPC in Lesotho reported that it was sometimes difficult to win support for use of Project funds for particular activities, and that it was not always clear how much funding would be available from time to time. According to her, it was easier to obtain approval for use of Project funds after the report of the Mid Term

Evaluation. The NPC in Swaziland also reported that it was initially difficult to obtain approval for expenditure, and that it was not clear upon what basis the CTA was deciding the issue. She also reported that access to funds had improved from early 2007, what is, following the report of the Mid Term Evaluation.

115. The CTA reported to the Evaluation Team that he had always anticipated that the rate of expenditure on Project activities would increase during the life of the Project. In particular, he indicated that the Project had initially been building foundations which could subsequently serve as a basis for sustainable expenditure. Thus, for example, the Project focused on assisting countries to conclude law reform processes before embarking on significant awareness-raising campaigns. Or, to take another example, it sought to ensure that labour ministries had been audited and that steps were in place to develop and adopt labour inspection policies and procedures before providing support in the form of computers and software, such as the LIMIS.
116. As it had during the report leading to the Mid-Term Evaluation, the Evaluation Team received numerous expressions of concern about the ways in which the Project had allocated its funding. In particular, many reported that they had been unsure about the way that the project was determining how it would allocate funds to countries and to activities. The report of the Mid-Term Evaluation of the Project noted that:
117. Stakeholders from all sectors report that they would like to know how much money is available to them; a number say that they would like to know how much money is available on a country by country basis. Many stakeholders, and also the NPCs, report that they are unclear about how budget decisions are made, and that this makes it difficult for them to frame their proposals for project activities, and requests for financial support.
118. That paragraph is equally accurate as a description of the Evaluation Team's findings from its final evaluation mission.
119. In each of the four countries that the Evaluation Team visited, a common theme was uncertainty about the way in which ILSSA had allocated its financial resources. In many cases that uncertainty was accompanied by frustration and dissatisfaction. A number of people interviewed by the Evaluation Team reported that Project funding had, in their view, been committed to activities, but that it was later withdrawn. This was said to have resulted in the deferral or cancellation of activities. Two workshops in Botswana, for example, were said to have been organised in anticipation of funding support from ILSSA, but recently they had had to be cancelled because of the impending conclusion of the Project. As to this particular example, the CTA indicated that in his view the workshops in question should have been completed much earlier if they were provided for in the country's Workplan.
120. On a different note, it was reported in some cases by key stakeholders that Project management sometimes took longer than desirable to determine whether financial support would be provided for particular activities. In Lesotho, for example, the DDPR reported that it was grateful for ILSSA support to publish



brochures which explained in clear terms its mission and powers. At the same time, however, it was reported that this had been discussed with ILSSA even before the Mid-Term Evaluation, and in the end, there was agreement only in late 2007 to provide support to publish the brochures in early 2008.<sup>5</sup> It was noted that due to the time taken to respond the DDPR was required to obtain a new quote for the printing and that this was higher than the original quote, although the text of the brochures was ultimately the same. The brochures are said to be proving very useful for the DDPR in its work.

121. ILO/Declaration confirmed that under the terms of the PRODOC the Project budget was allocated to activities, and not to particular countries. ILO/Declaration advised however that it would have been permissible for ILSSA to establish guiding budgetary frameworks for each country for each year of the Project, in order that each PAC might have some certainty about the extent of funding that might be available.
122. The CTA confirmed that he had indicated to the PAC in each Project country that there was no country-by-country allocation in the budget. He also advised the Evaluation Team that he did not believe it would have been acceptable within ILO funding rules to allocate the Project's funding on a country-by-country basis. Moreover the CTA was sceptical about whether it would be possible to divide a multi-country budget between the countries participating in a way that was both transparent and equitable. The CTA indicated that in his view this sort of issue was one that was likely to cause NPCs some embarrassment and/or difficulty because of the fact that they would be mediating between the ILO and the PAC in their own country of origin. The CTA also expressed the view that dividing the Project budget between countries would not have given the PACs any greater control over project funding. He did agree, however, that such an approach might have lessened dissatisfaction, and uncertainty about whether any particular country or constituent was being supported comparably with their counterparts.
123. Before taking up his post with ILSSA the CTA served for more than two years as CTA of an ILO-run and USDOL-funded project in Nigeria. The financial management and reporting requirements of the USDOL and the ILO for that project were for the most part the same as for ILSSA. In addition, the financial management and reporting requirements were set out clearly in the job description for the ILSSA CTA. (A copy appears as Annex Three). The CTA was also supported in his role in Pretoria by a specialist finance officer whose time was dedicated to the administration of USDOL-funded projects.
124. ILO/Declaration corresponded with the CTA from time to time about any and all aspects of project management, including of course financial management and reporting requirements. This included, for example, commenting on workplans, financial and budgetary matters, and planning and implementation of specific activities.

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<sup>5</sup> 'The project has provided funds to the DDPR to print 9000 brochures for distribution amongst the public. The objective of the brochures is to highlight how parties can more easily access the DDPR and present their disputes.' TPR March 2008, pp 3-4.

125. It was reported on a number of occasions that there ILSSA had experienced difficulty from time to time as a result of the need to interact with the UNDP over finances, and its role in the disbursement of funds. The CTA in his Final Report recommended a complete review of the relationship between the ILO and other UN agencies, including the UNDP. According to that report, the ILO's dependence on UNDP where it does not have its own offices 'creates major difficulties and should be avoided wherever possible.' In discussion the CTA recounted several examples of difficulties posed for ILSSA by UNDP action or inaction: there was a period when the NPC in Lesotho was not getting paid; there was an instance when UNDP refused to pay for a workshop in Swaziland because some costs were higher than usual, notwithstanding that the Project had negotiated the costs down, and received ILO approval; there was an occasion when UNDP became 'obstructive' about a software supplier when the Project had purchased some computers; and there was another occasion when there was a problem concerning the purchase of printers. The CTA expressed the view that the ILO would be better able to operate in countries where it does not have offices, simply by establishing local bank accounts.

#### *Conclusion*

126. The Mid Term Evaluation was carried out after the Project had been in operation for 27 months, that is, more than half its intended duration. The Project had then expended at most 34 per cent of its budget, that is, just over one third of its available funds. On 1 January 2007 the project had approximately \$2.5 million left (including provision for staff salaries, overhead and the like). During 2007 the Project spent some \$885,457, leaving approximately \$1.7 at the start of 2008. Between 1 January 2008 and 30 September 2008 approximately \$1.3 million were spent. It therefore appears that during the nine months or so that passed between the Mid-Term Evaluation and April 2007, approximately 40 per cent of Project funds were either spent or committed for expenditure. By the time that ILSSA concluded, it had expended some 90 per cent of its available funds.

127. As appears elsewhere, many Project activities that were foreseen in the PRODOC were carried out, but not in accordance with the timeline that was originally planned for their delivery. Neither the PRODOC nor the timeline specifies the anticipated timing for Project expenditure, in the sense that they identify how much should be spent by what stage of the Project's duration. Both the PRODOC and its original timeline, however, suggest that the Project's activities were planned with the intention that they would lead to sustainable outcomes, and that those sustainable outcomes might start to become apparent while the Project was still operating. Indeed, the planning appears to have intended that the Project should have an opportunity to participate in refining and reviewing the outcomes of its interventions and their intended flow-on effects among the social partners. (For example, under Output 2.6 the Project was to review the operation of the computerized system for management of labour inspection 12 months after it has been established).

128. Evidently when ILSSA came to an end the vast majority of its available funds had been expended. Moreover it is clear that they were expended in support of activities that were designed with the purpose of making progress (and were likely to make progress) toward the Project's objectives. In any event this sort of

outcome is likely, given the specificity of the PRODOC, and the systems in place for ILO supervision and planning for and approval both of project activities and of particular expenditures.

129. But it is less clear whether the Project's expenditure occurred in an appropriately timely fashion. That is, it is not possible to be as certain that the Project used its funds at times that were best calculated to help produce long-lasting and sustainable Project outcomes. Given the PRODOC's evident emphasis on sustainability, it might be thought appropriate for such a project to invest significantly in, for example, the first 40 to 50 per cent of the grant period, so as to preserve sufficient time (and remaining resources) to 'fine-tune' the outcomes of its activities and interventions.
130. Determining whether this was either possible or achieved, however, would require a more detailed analysis of the Project's expenditure than was possible for the preparation of this report. Alternatively, it would require greater specificity in the information provided to the Evaluation Team about how ILSSA planned its financial expenditures. Based on the material provided to the Evaluation Team – including discussions with the CTA – it is not apparent that project expenditures were planned with the intention of maximising sustainability of Project outcomes, as distinct delivering planned activities identified in the PRODOC as and when possible.
131. As noted elsewhere, some planned activities were not delivered as and when they were envisaged in the PRODOC, and some others were not delivered at all. Moreover it was suggested that some things, such as the software for case management systems for labour courts, was not provided in part because of the funding rules relating to this and other USDOL projects. Given his experience with a prior ILO-USDOL project, and the managerial and reporting structure within which he was operating, the CTA knew, or was in a position to have known of the financial management and reporting requirements of both the USDOL and of the ILO. In particular, the CTA knew or ought to have known that:
- a. Funds could not be used to supply equipment within the last 12 months of a project's life; and
  - b. USDOL could not authorise any further expenditure on ILSSA from the original grant moneys beyond 30 September 2008, as US government funding rules stipulate that no single grant may extend for more than five years.
132. Given his experience within the ILO and his open lines of communication to officials in ILO/Declaration, the CTA also ought to have known that the Project budget could have been divided – even if only in indicative terms – between the Project countries, and that this general indication might have been communicated to the NPCs and to the PACs. Greater clarity and transparency at this level about the funding available, and about the basis for decisions whether or not to use Project funds to support particular activities, would have enhanced the Project's performance and likely have contributed to creating and maintaining even greater stakeholder buy-in and participation.

### *Recommendations*

133. Greater clarity might be provided to project management and to stakeholders, concerning project financial planning, and decisions relating to disbursement of funds in practice. Project documents, for example, might make explicit what expectations there are, if any, concerning when and how funds are to be expended, and the authority that the various members of the project management team have to make decisions about drawing on project funds. They might also do this in a way that explicitly identifies the links between project funding decisions and the sustainability of project outcomes, and the need to be aware of and to emphasize this relationship. Further, project documents might do more, and project management might be enabled, encouraged or instructed (as the case may be) to do more, to make transparent both to project management and to stakeholders, how a project budget is allocated and to be expended. In particular, consideration should be given to making clear to participating countries in multi-country projects the proportion of the project budget that is available to each of them. Efforts to achieve this, of course, would need to be pursued in a way that retained maximum appropriate control and flexibility in the project management team and the ILO. Finally, the ILO might give consideration to engaging in dialogue with UNDP concerning the administrative arrangements for disbursement and management of project funds.

## ANNEX ONE: OVERVIEW OF PROJECT ACTIVITIES IN VIEW OF PLANNED OUTPUTS AND TIMELINES

As noted in the Findings, Conclusions and Recommendations of this Report, the Project carried out the majority of the activities that were foreseen in the PRODOC. Moreover those activities were generally regarded as being of high quality, and as having strong positive effects. As also noted, there is reason to be hopeful that the Project's interventions will have lasting effects in some cases. The question of the timing of Project activities is however of independent significance, both in its own right and also because the timing of a project's activities may have a significant impact on the likelihood that any gains will have sustainable impact.

It is difficult to be certain about the full scope of ILSSA's activities and achievements. One of the principal reasons for this is the very nature of the Evaluation exercise: it is inevitably difficult, in a limited period of time, to gain a full understanding of activities, decisions and events that occurred over a period of more than four years. In the case of ILSSA, however, the inevitable difficulties are compounded by the fact that Project records do not simply and clearly disclose – even to readers familiar with their content and purpose – what the Project did and when. Neither do they clearly disclose the reasons why certain activities were postponed, cancelled or simply did not take place. The Final Report, for example, simply records whether or not certain activities in relation to the Project's various sub-immediate objectives occurred or not; it gives no indication of when during the Project's life they took place, nor whether they took place when it was intended that they should.

The SRs and the TPRs submitted are sometimes inconsistent in their content, and in the detail in which they explain what did or did not occur. While there must inevitably be difficulties in doing justice in a TPR of, say, ten pages, to the events of the preceding six months, it is both possible and desirable to produce Project records that make clear to broader management structures, and to outside readers, what happened, when, and why – or why not, as the case may be. The CTA and NPCs did provide the Evaluation Team during its visit with information in person, and with documents that record various aspects of the Project's activities. Some of these were prepared for the purposes of the Evaluation exercise: the CTA prepared, for example, lists of the consultants who were engaged by the Project from time to time, and of the various missions he had carried out. Despite receiving this additional information, the Evaluation Team was not able to satisfy itself that it had developed a comprehensive and accurate picture. It has been difficult, for example, to be certain about *when* some activities took place, and about the numbers of people who attended or participated in them. This is not to suggest that the Project's records conceal – deliberately or otherwise – failures to carry out activities. On the contrary, it seems just as likely that the documentary record omits activities which *did* take place. Indeed, analysis of various Project documents did reveal a record of at least one important Project activity, foreseen in the PRODOC, but which was not reported in the next TPR.

**IMMEDIATE OBJECTIVE 1: Increased knowledge among employers and workers of their rights, obligations and services under national labour laws.**

**Outputs 1.1 - 1.4 – Awareness raising and media campaign**

Neither the SRs nor the TPRs appear to record all Project activities relevant to these outputs. According to the project's Final Report:

- Multimedia strategy options were developed for each country;
- A key focus was publication of Fact Boxes on the laws;
- Progress in using the electronic media was predominantly confined to radio in Botswana and Lesotho;
- Pamphlets and brochures were developed in Botswana, Namibia and Swaziland, and fact sheets in Lesotho are being translated into Sesotho;
- Good working relations were established with the media in Lesotho and Namibia, but electronic media in Botswana sought more funding input from the project than could be sustained;
- Workshops were held for journalists in Botswana, Lesotho, Namibia and Swaziland; and
- In Lesotho, Namibia and Swaziland the project made 'substantial progress' in terms of the media and awareness-raising campaign.

There are some activities reported in the TPRs submitted in March 2006 and March 2007 that relate to Output 1.1 (awareness raising and media campaign developed and agreed to by social partners in all countries). Nothing, however, appears in the TPRs concerning Output 1.2 (a set of core communications materials produced). As to this, the Final Report refers to the creation of pamphlets and brochures in some countries and the translation of fact sheets in another. The Evaluation Team did see copies of basic brochures that were published with the Project's assistance in Botswana (providing various basic information for the Ministry), and also in Lesotho (performing a similar function for the DDPR). Unfortunately in neither case did the publications acknowledge the support of USODL, as ILO protocol for such publications requires. There are various TPRs in which it is reported that the project engaged with members of the media in the respective project countries. Workshops for journalists, for example, were held in Lesotho and in Swaziland in May 2006.

Mission reports and TPRs indicate that an expert was engaged in 2005 to develop media communications strategies for Botswana and Namibia. A media monitoring committee was established in Botswana in March 2006. Other international consultants were engaged to develop and promote a communications campaign in Botswana, Lesotho and Swaziland between October 2007 and April 2008. (The specific terms of reference for these consultants are reproduced in Annex Two). Among other things, they were to review the media strategies and campaigns that had been developed for each country, review the content and impact of the Fact Boxes drafted in each country, hold seminars for the social partners on dealing with the media and lead study tours of journalists. No activities were planned for Namibia, at the request of the social partners there, because of the uncertainty about the implementation of the Labour Act 2007.

## Botswana

There was a field trip for journalists in January 2008, and by March 2008 the text for Fact Boxes on the labour laws had been drafted and approved for publication. In March 2007 it had been reported that the local consultant engaged to draft these was performing poorly, and mission reports submitted by the international consultants during 2007 suggest that a replacement was found. Radio Botswana launched a weekly programme broadcast in Setswana called 'Tsa Pereko' ('Workers' Issues) in February 2007. It is described in the mission report of the ILO consultant who went to Botswana in 2007, and also in the TPR submitted in March 2007 as 'the single most successful product generated by the project in Southern Africa.'<sup>6</sup> The Ministry has also participated in a morning radio programme, 'Masa a sele' to provide information on labour laws, labour administration and labour relations.<sup>7</sup> Botswana television showed willingness to broadcast a programme in the nature of a panel discussion, but is reported to have sought a much higher level of financial support from the Project than it would be possible to provide.<sup>8</sup>

The Evaluation Team did not meet with anyone in Botswana that offered any observations on these aspects of ILSSA's work.

## Lesotho

The consultants engaged to work in the region carried out missions to Lesotho in January, February, September and November 2007 to work intensively with both print and electronic media. As part of their work the Project engaged Catholic Radio to broadcast a series of ten programmes of one hour duration, for a fee of 9,000 maluti (approximately \$US1,200), starting in March 2007. When the Evaluation Team visited, Catholic Radio was still running the programme, and reported that it was particularly successful. It is broadcast for one hour on a Friday evening, and the listeners are said to be demanding more. The programme fields 15 to 20 calls each week. Although a contract was issued for Lesotho TV to produce and broadcast two one hour programmes in March 2007, this never occurred because of concerns that a panel discussion on labour issues might be used for 'political' purposes.

With the assistance of the Project, a privately-run newspaper in Lesotho, *Public Eye* began publishing a special supplement in February 2007, called 'Workplace and Career'. *Public Eye* is sold throughout Lesotho, and also in the Free State (RSA), selling 18,000 to 20,000 copies per issue. When the Evaluation Team visited, this weekly supplement was as much as 20 pages in any issue, carrying several articles and also advertisements for employment opportunities and other matters related to the labour market. The *Public Eye* Editors report that they receive much positive feedback from readers on the supplement, which in their view is 'becoming a vehicle for people to express themselves.'

The project also sponsored the publication of Fact Boxes on the Lesotho Labour Code, notwithstanding the fact that the revisions to the laws had not yet been finalised. The local consultant engaged to prepare these text boxes expressed the view

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<sup>6</sup> TPR March 2007, p 3.

<sup>7</sup> TPR September 2007, p 3.

<sup>8</sup> TPR March 2008, p 3.

that there are many aspects of the fundamentals of employment and labour law which can be suitably addressed in Fact Boxes without the process being tied either to the existing or to the proposed text of the labour law. In the result, the Fact Boxes in Lesotho carry information about both the existing law, *and* the law as it is expected to operate after planned amendments come into force.

### **Swaziland**

The project sponsored a number of workshops for journalists and a field trip in January 2008. The Evaluation Team met two journalists who spoke highly of the quality and usefulness of these activities. Relatively little progress was made with the electronic media in Swaziland, it would appear because of a relative lack of independence: the government-owned radio and television stations were apparently unwilling to lend themselves to develop tripartite discussion forum programmes that they were concerned would be used for 'political' purposes.

The project sponsored the writing of Fact Boxes, although there were difficulties with the consultants engaged to write them (both substantively and in terms of the suitability of their style for publication). At the time the Evaluation Team visited, the NPC advised that the Fact Boxes had not yet been published.

As noted elsewhere, the NPC expressed the view that the Project might have done much more as part of the awareness-raising activities, and that the Project might have started to deliver these activities much earlier than it did. She considered this area one of the Project's two major failings in Swaziland.

### **Namibia**

The international consultant engaged to visit in March 2005 reported that all media (electronic and print) were eager to participate in the planned campaign around the Labour Act, and that the PAC agreed that the media should be used, in particular to develop awareness at the grass-roots level. The consultant developed a highly sophisticated communications strategy which. The Project sponsored an Editorial Roundtable and workshop for Journalists in January 2006.<sup>9</sup> It would appear that the communication strategy was otherwise not implemented.

Progress in Namibia was limited because of the difficulties with the passage and implementation of the Labour Acts of 2004 and 2007. When the Evaluation Team visited, the PAC indicated that they thought it better for this reason not to have embarked on the communications and awareness raising campaign. The Project did sponsor the writing and publication of Fact Boxes on the new laws, which were appearing in print at the time of the Evaluation Team's visit, and which are also published on the Ministry of Labour website.

### **Zambia**

The TPR submitted in March 2007 reports that a technical committee was established during February 2007 to identify and develop materials to be written and published during an awareness-raising campaign. No other information is reported.

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<sup>9</sup> The TPR for March 2007 reports that the Project ran two such workshops, one in Botswana and the other in Namibia, and that 11 Editors and 27 Journalists attended the two workshops. But it does not say how many people attended in each of the two countries.



## **Malawi**

No information is reported in any of the Project reports.

### *Conclusion*

The Project made significant progress with the media and awareness raising campaigns in some Project countries, and appears to have had particular success with radio programmes in Botswana and Lesotho, and also with one newspaper in particular in Lesotho. The majority of the Project's activities in this respect however appear to have taken place starting in 2007, which is much later than planned in the PRODOC.

### **Outputs 1.5, 1.11, 1.12 – Reviews and reforms of labour laws**

It was noted in the Mid Term Evaluation that the Project's planning was perhaps too optimistic in relation to this output, both in terms of when it was anticipated that reforms would be completed, and in planning other activities that were perhaps contingent on the conclusion of law reform processes. The PRODOC anticipated that local consultants would review laws in the third quarter of 2004 (taking into account the fact that some reviews had begun under SLASA), and that laws would be reformed in Lesotho, Malawi and Zambia by the end of the first quarter of 2006.

Discussions with Project staff and also with stakeholders led to the distinct impression that the Project spent a significant amount of time on this area of activity, although this is not necessarily reflected in the Project's Final Report. That report notes that ILSSA facilitated reviews of laws in Lesotho and Malawi; and that in other Project countries these reviews had already been conducted by either the ILO/Swiss project or by SLASA. Stakeholders were very appreciative of this work and of the national and international expertise that ILSSA was able to provide for labour law reform processes. In a number of countries, trade union officials especially reported that ILSSA had assisted them by encouraging governments to develop policy through social dialogue and tripartite consultation.

Labour ministries in all six project countries were the subject of detailed audits including suggestions for improvements. In Lesotho, Namibia and Swaziland the project assisted the ministries to develop detailed plans of action to respond to the recommendations contained in the reports. The Project's Final Report does not indicate why this did not occur in Botswana, Malawi and Zambia. Audits of courts and labour dispute resolution institutions were carried out in Botswana, Lesotho and Swaziland.

In **Botswana** the Project's primary intervention was directed to the government's plan to revise the various statutes regulating employment in different elements of the public service, in light of its decision to lift restrictions on the rights of public servants to organize and to bargain collectively. This assistance was provided primarily to the DPSM, for which the Project facilitated meetings in April 2006, November 2006, and April 2007. In February 2008 the CTA and the Labour Commissioner met with the DPSM to consider progress made to that point. According to the project's final report, it 'supported the Public Sector in Botswana to develop legal provisions for collective bargaining and a constitution for a Public Sector Bargaining Council.'

In **Lesotho** the project again began work on labour law reform in late 2004, engaging Professor Evance Kalula (UCT) to review the law. As in Malawi, this led to agreement to establish a tripartite group to review the *Labour Code*. Meetings of the team were held on a number of occasions to consider drafts that were prepared by Professor Paul Benjamin (UCT) and Judge Lethobane, Judge President of the Lesotho Industrial Court. In May 2006 the amendments were agreed, and submitted to ILO Geneva for review and analysis. A further meeting was held in October 2006. Subsequently there were various meetings of NACOLA (January 2007) and the social partners separately (July 2007), and then a further retreat by NACOLA in February 2008. During the Evaluation Team's mission to Lesotho the government initiated a further meeting of NACOLA to discuss further proposed changes to the previously agreed amendments to the Labour Code.

In **Malawi** the Project began work as early as late 2004. It facilitated meetings concerning the drafting of a Labour Tenancy Bill. It engaged Professor Evance Kalula to review the *Labour Relations Act* and the *Employment Act*, leading to the creation of a tripartite Task Team which met from time to time under the auspices of the Project. This led in turn to the preparation of draft amendments to the laws which were submitted to ILO Geneva for analysis and review by around August 2006. By March 2007 it was reported that the reform process was complete as far as ILSSA was concerned, although it was also reported that the Ministry of Labour and Social Development was at that time still yet to send the amendment Bills to the Ministry of Justice.

In **Namibia** the Project sponsored seminars on the 2004 Act in January 2005 for officials of the Ministry of Labour. It also provided support for strategic planning to implement the 2004 Act, and facilitated a workshop for the Labour Advisory Council in May 2005.

In **Swaziland** the project engaged Professor André van Niekirk to facilitate meetings of the Labour Advisory Board in late 2004, leading to an agreement that the Employment Bill should be completely redrafted by April 2005. A new draft was prepared by June 2005 but the Labour Advisory Board did not meet to consider it until November that year. During 2005 ILSSA also provided support to a process to revise the occupational health and safety laws, and in 2006 to redraft the rules of the Industrial Relations Court. (The need for new rules had been identified during an audit of the Court sponsored by the Project in 2004). By March 2007 the revised Employment Act had been submitted to Parliament, and in September 2007 the project reported that it had sought a further report from the government on progress toward enacting the new law. The TPR submitted in March 2008 contains no further information about progress. The Project Final Report merely records that the Project facilitated the development of the Bill and its submission to Parliament.

In **Zambia** the Project facilitated a meeting in September 2005 to finalise revisions to the Factories Act, with a view to it being submitted to Cabinet. Sensitisation workshops were supported around the Children and Young Persons Act in September 2005. In December 2005 the NPC met with a Tripartite Council to consider finalisation of revisions to the Industrial and Labour Relations Act, the Employment Act, and the Factories and Workplaces Act – some of these revisions had been in process since SLASA. The Project Final Report indicates that most of this work was

done under SLASA and that relatively little support was sought from ILSSA. It also notes that toward the end of the Project the government was expressing the view that a more fundamental review might have been appropriate.

### *Conclusion*

The Project played a significant role in each of the six Project countries, in assisting governments to review various labour laws. In each case it promoted the use of consultative, tripartite processes to this end where possible. The pursuit of labour law reforms through processes of social dialogue was itself a positive development in a number of cases. At the same time, law reform processes in each of the Project countries took longer than anticipated in the PRODOC, in some cases by a significant margin.

### **Output 1.13 – Sensitisation of parliamentarians concerning labour law reforms**

Nothing appears in any of the SRs or TPRs concerning this output. The Project's Final Report indicates that 'no activities were carried out' in relation to this output.

Despite this, the CTA reported to the Evaluation Team that some activities of this nature had taken place, in those countries where the laws were to be changed. He advised that the Project conducted a workshop on collective bargaining for the Cabinet in Malawi, and supplied a mission report referring to this activity. The goal was to sensitise Cabinet Ministers concerning collective bargaining techniques and their application to public service employment; some 11 Ministers or Deputy Ministers attended. In other countries, according to the CTA, there were activities directed at the Permanent Secretaries of Labour, a number of whom agreed that there should be further activities directed toward politicians. According to the CTA, however, Permanent Secretaries had often not facilitated access to parliamentarians and this, in the CTA's view, may have reflected a desire on their part to control access to the political level. The CTA did however note that in some cases the Project had reached parliamentarians where they had participated in collective bargaining training.

The CTA's view was that the relative lack of activities of this nature had not led to any negative consequence. He indicated that he had followed the process in Swaziland quite closely (as the TPRs suggest) and that in Lesotho no difficulty had arisen because the law had not yet reached Parliament. In the case of Namibia the CTA expressed some concern about the project embarking on this sort of work given that most of the law reform work there had been sponsored by the prior ILO/Swiss project. Moreover in that country, according to him, there are complex personal political dynamics which it would have been difficult for the project to overcome.

### *Conclusions*

On the basis of such limited information it is difficult (at best) to draw conclusions about this activity, other than that little or none of it took place. It was certainly not a significant feature of the Project's activities, based on analysis of project documents (including workplans), and interviews with the CTA and the NPCs. Neither was it evidently a focus during the Mid Term Evaluation.

It is however difficult not to wonder whether more activity directed towards parliamentarians might have been useful, especially given the length of time that

many of the reform processes have taken, and the fact that governments and parliaments in some of the Project countries have taken decisions and action that have been inconsistent with policy positions previously agreed within tripartite frameworks, some of which were sponsored by the Project. As noted, the government in Lesotho called a meeting of NACOLA during the mission of the Evaluation Team to propose further changes to positions already agreed in respect of the Labour Code Order. In Namibia, the Labour Act 2004 was not implemented because parliament passed a text that differed significantly from that which the tripartite framework had agreed, and the 2007 Act encountered similar difficulties.

### *Recommendations*

Future projects that include law reform activities might give consideration to activities to sensitise politicians earlier in the process. In other words, rather than waiting until there is a draft law around which to carry out sensitisation activities, it might be prudent to lay the groundwork in advance. It is possible that it might also have the advantage of contributing to greater political momentum concerning the passage of reforms.

### **Outputs 1.6 – 1.10 (training on labour laws and labour institutions, including agencies of government and also employer and worker organisations).**

Broadly speaking, by the end of 2004 the Project was to have facilitated the development of sustainable plans in each country to provide training on labour law and the functions of the major institutions (ADR and labour/industrial courts), and to have prepared and tested training materials for this purpose. During the final quarter of 2004 the Project was to have developed training material for use in training of trainers (output 1.7). During the first and third quarters of 2005 the Project was to train a core group of trainers in each country (two week training followed by one week refresher). From the second quarter of 2005 to the middle of 2006 the Project was to sponsor up to 12 training sessions in each country so that large numbers of people could have been trained, and the capacity of trained trainers could have been verified. From the third quarter of 2006 until the end of the Project, it was envisaged that countries would implement the sustainable training plans that they had developed, independently of the Project, but with the ability to seek guidance from the Project from time to time.

It is difficult to tell from the TPRs to what extent the full programme of activities planned was achieved. There is nothing in them to indicate that sustainable plans were developed during the latter part of 2004. The TPR submitted in March 2006 reports that training materials on collective bargaining and conciliation of labour disputes which had been developed by the ILO's training centre at Turin, and used in the former project in Nigeria, had been 'reviewed' for possible adaptation for ILSSA.

According to the Project's Final Report, it developed training material with the assistance of consultants engaged for this purpose, and the material was used in Botswana, Lesotho, Namibia and Swaziland. This included both a trainer's manual, and a manual for participants.

### *Training of trainers*

- According to the TPRs, an unidentified number of trainers were trained over three days in Botswana in September 2005; according to the Project's Final Report seven people were trained as trainers.
- A total of 17 people were trained as trainers in Lesotho.<sup>10</sup>
- According to the TPRs, 13 trainers were trained in Namibia in 2005 (initially for three days), and a refresher course was held sometime before March 2007. According to the Project's Final Report 17 people were trained.
- 13 trainers were trained in Swaziland in March 2006 over three days, although the initial timetable for the training foreshadowed a two week course.
- According to the TPRs some 16 trainers were trained in Zambia by local consultants over three days in June 2006. According to the Project's Final Report 31 people were trained.

### *Training delivered by trainers*

- According to the TPRs, there were six workshops in Botswana held between March and June 2006, and a further four in November that year. The number of participants is not identified in the TPRs. According to the Project's Final Report there were 11 workshops that reached a total of 222 participants.
- According to the Project's Final Report there were six workshops in Lesotho attended by a total of 163 participants.
- According to the TPRs, in Namibia three workshops were held in November 2005, attended by 33 participants, and a further six workshops were held in April 2006, attended by an unidentified number of participants. According to the Project's Final Report there were seven workshops altogether attended by a total of 135 participants.
- According to the TPRs there were six workshops in Swaziland held between June and August 2006, attended by an unidentified number of participants. According to the Project's Final Report there were 11 workshops, attended altogether by a total of 182 participants.
- According to the TPRs, in Zambia there were three workshops held in July and August 2006, attended by a total of 138 employer and 62 trade union representatives. According to the Project's Final Report there were four workshops, attended altogether by 123 participants.

There is little in the Project records, or that was identified in discussions during the Evaluation mission, to indicate the development of a sustainable plan of action for delivering training independently of the project. According to the Project's Final Report, the NEF in Namibia has continued to deliver some training, however most other organisations proved unable to do so by reason of capacity deficits. The Final Report observes: 'resource limitations within the various national organisations cannot be overemphasized.'<sup>11</sup>

In **Botswana** trade unionists indicated that training received from the Project was effective and was being used by unions in their own training, but that in many cases affiliates sent unqualified people to participate in the training. According to BOCCIM the delivery of training was problematic because the government was tapping into the

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<sup>10</sup> Project's Final Report.

<sup>11</sup> Project Final Report, p 7.

same market into which its members were selling training, and because the unions, through lack of capacity, had difficulty delivering their share of training as envisaged by the project. The Labour Commissioner indicated that there had been some ten workshops during 2007, and a further three in 2008. He also indicated that there was a small training budget and that training would be continuing subsequently.

In **Lesotho** the NPC reported that training of trainers only took place in March 2008; it had been delayed because of the fact that changes to the labour laws were in progress, but in the result it had to take place or not at all. In the NPC's view it turned out to be very effective to train people in advance of the law coming into effect as it proved to be a useful way of obtaining information and views on policy options for the new provisions. The training of trainers went for four days: it started with 24 participants, but concluded with eleven (two employer, four union, and five government). After the meeting, that core of trainers met and decided on a joint training programme that would be tripartite, however in the end none of the employers participated. Moreover the NPC formed the view that some of the union participants lacked the necessary capacity to deliver training effectively.

The training delivered by trained trainers was being carried out in June 2008. The NPC considered that the core of government officials trained was of high quality – if small in number – and would be likely to continue with training, and able to do so when the amendments to the law come into effect. A trade union representative indicated that training he had received was of high quality and that the information and material were being reused in the union's information and education programmes for members and shop stewards. Another indicated that shop stewards in his union were better able to represent union members as a result of this training having been passed on. The ALE is of the view that training of trainers is a useful methodology in principle, but that it is difficult to get employers to release people to participate.

In **Namibia** the PAC reported that ILSSA had delivered training to all Ministry staff in 2005, and that following the training of trainers, those who were trained went out and trained in most of the 13 regions of the country. There is reported still to be a core group of people on the Ministry staff who were trained as trainers and who should be available to deliver training on the 2007 Act (which is not significantly different from the 2004 Act). According to the NEF it has trained over 500 people at their joint expense – which appears not to have been at any cost to the Project. The NEF was particularly supportive of the methodology of training of trainers because it meant that it could subsequently deliver training at no cost, given that those who were trained were already members of its staff.

In **Swaziland** Ms Zodwa Mabuza, the CEO of the FSE&CC indicated that those of her members who had been trained as trainers had carried out a lot of training within the employer community, and that this had been of added benefit because they charge for training: it had therefore helped to sustain the organisation. Ms Mabuza also indicated that the FSE&CC draws in its training on material received from the ILO and rolls out training based on that once or twice a year. Other employer representatives indicated that their capacity had been improved by training of trainers through the project, and that they had subsequently gone out to deliver training. On the other hand, the SFL reported that they had participated in training of trainers jointly, with the employers and the government, and that there had been tripartite

agreement at the end to roll out training jointly but that the employers had simply gone off and delivered training themselves.

### *Conclusions*

The project made progress in each of the project countries towards achieving its objectives in training trainers, and in assisting them subsequently to deliver training to significant numbers of people. While there cases of trained trainers subsequently delivering training – particularly among employers – it is less clear that the Project made any or any significant progress in assisting Project countries to develop sustainable plans for delivering training. It appears that fewer individuals were trained as trainers than may have been envisaged in the PRODOC and in the Project timeline. In most cases the training of trainers also took place later than envisaged in the PRODOC and its Project timeline. Lesotho is the most extreme case: training of trainers took place in March 2008, that is, with only six months of the project to run at most. In this case it is therefore virtually impossible to have any indication of whether the trainers are able to deliver training, and there is no opportunity to correct any problems that may arise.

It does not appear that the Project supported 12 workshops in each country with trained trainers delivered training, as envisaged in the PRODOC. Thereafter, it is even less clear what progress was made in delivering training independently of the project. Clearly some employer and union organisations, and some governments, have in fact delivered and continue to deliver training that derives from training provided by the project. More than that, however, it is difficult to say. Neither from the TPRs, nor meetings in the Project countries, nor with Project management, did the Evaluation Team get a clear impression of an organised programme within which training of trainers was delivered, and then those trainers delivered training.

### *Recommendations*

It might be useful to place greater emphasis in project documentation and in instructions to project staff concerning the importance of approaching the delivery of a project objective like this in a methodical way. It would also be useful to give close consideration in future projects to the means for selecting candidates for training of trainers. This is something that could be explored during project design, addressed in a project document, and/or negotiated with participating organisations during the course of a project. Given the lack of clarity in this Project's reporting on this aspect of its activities, it might also be useful to ensure that in future projects the signal importance of rigorous record keeping and reporting is made clear, and enforced.

### **Output 1.14**

Under this output the project was to contribute to efforts to harmonise labour laws in the various project countries, by hosting three sub-regional symposia (in 2005, 2006 and 2007), timed to coincide with meetings of SADC labour ministries.

### *Findings*

It is not at all clear from the TPRs, or from discussions with the CTA or other project staff, that any such activities took place. The TPRs do disclose some sub-regional activities, including a workshop for labour court judges in April 2005, and a sub-regional workshop on dispute resolution and dispute prevention institutions that was jointly organised with CMAC and the ILO/Swiss project, in May 2005. There was

also a sub-regional workshop on labour inspection practices, attended also by officials from ILO Geneva and Harare, in February 2007.<sup>12</sup>

The project's final report records the following as related to this output:

*Legal reviews in the various countries achieved some levels of harmonisation. In particular, dispute settlement processes are largely similar as a consequence of support provided by the ILO Swiss project. The ILSSA Project was able to influence provisions relating to organisational rights.*

### *Conclusion*

It would appear that little or nothing was done toward this output, for reasons that are not apparent from the TPRs, from discussions with Project staff, or from the Project's Final Report.

### *Recommendations*

Project staff should be required to report clearly against outputs envisaged in project documentation, including reasons why outputs did not take place.

## **IMMEDIATE OBJECTIVE 2: More effective labour administration/inspection systems**

### **Outputs 2.1 and 2.2**

These outputs required the conduct of audits of labour ministries and the implementation of capacity-building strategies to improve policies, structure and management. Audits were due to have been performed in the last quarter of 2004 and the first of 2005. Botswana, Namibia and Swaziland were due to be audited; the other countries had been audited as part of SLASA. Capacity-building plans were to be developed and implemented throughout 2005, and also in the third quarter of 2006.

According to the Project's Final Report, audits of labour ministries were carried out in each of the six countries. The Project facilitated detailed plans in Lesotho, Namibia and Swaziland. Botswana declined assistance; according to the Project's Final Report, it made the least progress. There is no detail in that report of what that means or on how that judgment was reached.

Based on the TPRs, it is evident that audits were done in Namibia and Lesotho in February and March 2005, and in Botswana and Swaziland in May 2005. Malawi and Zambia were reviewed in May 2006. There is no indication in Project documents as to why all six were audited, when the Project timeline clearly acknowledges that three had already been done.

Strategic planning exercises were held in Lesotho (12/2005) and Swaziland (2/2006) to follow up on the audits. Botswana indicated that it had the resources internally to deal with follow-up to the audit report. Little was achieved in Namibia, in part due to the uncertainty surrounding the implementation of the Labour Act 2004.<sup>13</sup> The PS in Namibia, however, made particular mention of the Project's support for the audit.

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<sup>12</sup> TPR March 2007, pp 8-9.

<sup>13</sup> TPR March 2006, pp 11-12.



### *Conclusions*

The project made positive contributions to the management and administration of the labour ministries in each of the Project countries. It appears that it had a relatively more significant impact in Lesotho, Namibia and Swaziland. Less was achieved in Botswana, and the project evidently attributes responsibility for this to the government of Botswana, and to its decision concerning its own capacity to develop what was needed to implement the recommendations of the audit report. Project documents report a lot of other activity in this general field, but which is perhaps better considered in relation to other Project outputs. Nevertheless, the issues of administration, management and recruitment within ministries are important independently of the particular function of labour inspection, and may have warranted further attention. It is somewhat ironic that the Project's Final Report and the CTA in discussion with the Evaluation Team both bemoaned the lack of capacity at the managerial level in the ministries, when there was a specific Project output relating to that very issue.

### *Recommendations*

It may be necessary to provide greater clarity and precision in the instructions to CTAs about the importance of assisting ministries, as distinct from the particular function of labour inspection. This might be linked to more emphasis on the importance of building capacity in the ministries themselves. It would assist if CTAs were required to report in a clear and rigorous manner, with sufficient supporting detail.

### **Output 2.3**

In each of the six countries, as appropriate, an effective national labour administration (including inspection) policy and sustainable implementation plan developed.

According to the Final Report, with the assistance of ARLAC an international consultant was engaged to develop a draft 'generic' policy which was circulated to the various ministries. Draft policies were developed in Botswana, Lesotho, Namibia, Swaziland and Zambia. The project worked closely with inspectorates in Botswana and Lesotho – at the request of the relevant ministries – to develop the policies in those countries. The Final Report makes no mention of Malawi in this respect. The Project facilitated a sub-regional meeting on labour inspection in February 2007, which was attended by senior officials, and also by officials from ILO Geneva and Harare.<sup>14</sup>

According to the TPRs, the Project carried out the following activities related to this output:

#### **In Botswana:**

- A five day workshop was held in July 2005 following on from the audit.
- In May 2006 the Project participated in a meeting of the Ministerial Working Group developing an inspection policy, which set itself a deadline of September 2006.
- By September 2007 the Ministry had established a Labour Inspectorate Unit, which was expected to be fully operational by April 2008; a sub-committee had

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<sup>14</sup> TPR March 2007, pp 8-9.

been established to develop a Labour Inspection Policy. In addition, the Ministry had changed the status of its OHS inspectors and their function so as to be a separate division reporting direct to the PS. According to the TPR, this threatened the prospects for integrated inspections in accordance with ‘modern practice.’<sup>15</sup>

- By March 2008 a draft inspection policy had been prepared by the inspectorate and circulated to the social partners for comment. A workshop was held for the tripartite partners to give their input and to finalise the document however neither unions nor employers were present, so their feedback would have to be sought subsequently.

#### **In Lesotho:**

- A five day workshop was held following the audit, in June/July 2005.
- By March 2006 a Tripartite Working Group had been established to develop its policy.
- By September 2006 guidelines were prepared and submitted to NACOLA, but they were not considered on its agenda; the Labour Commissioner, however, intended to move forward with them.
- By September 2007 there had been a meeting of the Tripartite Working Group (TWG), whose responsibility was to uphold the spirit of the Labour Inspection Policy and guidelines, and the Code of Conduct for inspectors, and also the functioning of the Monitoring and Evaluation Unit (MEU) which is to monitor and to manage the day to day running of the inspectorate. Various other meetings had also been held, leading to the Minister signing the policy on 16 August; the Project committed to provide funding for it to be published.
- By March 2008 the labour inspection policy was an official document of the Ministry, and the Project had quotes for printing and publication.

#### **In Malawi:**

- There was a five day workshop following the audit, in July 2005.

#### **In Namibia:**

- There was a five day workshop held in June 2005 following the audit.
- In November 2006 there was a meeting that agreed a plan of action to implement the recommendations of the audit report; it is not clear what role the Project played.
- In November 2007 the Project (presumably through the CTA) participated in a strategic planning exercise, having expressed its concern at being unable to get any information previously about what was happening to implement recommendations that had been made.

#### **In Swaziland:**

- There was a five day workshop following the audit, in July 2005.
- It was evident to the Evaluation Team from discussions with Labour Inspectors that progress was also made in Swaziland in developing and implementing a code of conduct and a policy for labour inspection.

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<sup>15</sup> TPR September 2007, p 14.

### **In Zambia:**

- There was a meeting of a Technical Committee held over several days in January 2007 to develop a Labour Inspection Policy and a Code of Ethics for Inspectors, with a view to it being presented to the Labour Commissioner and the PS.

### *Conclusion*

The Project countries, with the Project's assistance, made progress toward the planned outputs. To the extent that they were not achieved in the timeframe envisaged in the PRODOC, it may be that the original planning was too optimistic.

### *Recommendation*

Where project planning depends to a significant extent on government processes, it would be prudent to plan timelines with caution.

### **Output 2.4**

A core group of peers (approximately five) was to be trained from within each ministry, to be trainers. They were to receive a short refresher course each year.

According to the Final Report: training was provided for inspectorates in each of the six Project countries, and in some cases members of the inspectorates were able to deliver training subsequently to other inspectors. This is an example of an area in which the CTA expressed significant misgivings in the Project's Final Report about the methodology of training of trainers:

*In this regards it should be noted that capacity (number and quality and attitude/motivation) limitations within Ministries places severe limitations on a train the trainer approach. In many instances using internal resources to conduct training would result largely in a spread of bad habits and practices of inspectors. Notwithstanding some success has been achieved in Lesotho, Swaziland and Namibia.*

Perhaps consistently with this, there is nothing in the TPRs about the training of a core group of trainers among the labour inspectorates, although there is a lot about training more generally, including of course the five day workshops noted above (but which arguably relate to Output 2.5). In Namibia during 2007 the Project engaged consultants to provide ISO 1800 training for labour inspectors.

### *Conclusion*

A significant amount of training was provided to labour inspectors in the various Project countries. It is however difficult to say how much progress was made toward the achievement of this particular output. To the extent that it was not achieved, the explanation may lie in the CTA's views about the limitations of the methodology of training of trainers.

### *Recommendation*

The ILO should re-examine the utility and effectiveness of training of trainers as a technical cooperation methodology. It might, for example, carry out a study based on data from the many projects that it has implemented using this methodology, in different countries and on different subject matters. Consideration might also be given to publication of the results of any such study.

### **Output 2.5**

All labour inspectors in each country were to be trained by the core group of trained trainers, assisted by national or international consultants, on national legislation,

international labour standards, the methodology of inspection, report writing, data analysis, social dialogue and mentoring skills.

According to the Project's Final Report, the Project provided or supported workshops to train labour inspectors in each of the six countries, as well as working with ARLAC to produce a labour inspection handbook that has been distributed in each country, and which provides for more 'self-directed learning' by inspectors. The numbers of workshops and participants were as follows:

- **Botswana:** two workshops with 61 participants.
- **Lesotho:** five workshops with 106 participants. These figures are not in the TPRs, and are difficult to verify from the lists of participants at project activities in Lesotho that was provided to the Evaluation Team.
- **Namibia:** four workshops, over 150 participants.
- **Malawi:** one workshop, with 26 participants.
- **Swaziland:** four workshops, with 99 participants.
- **Zambia:** four workshops, with 81 participants.

There is no indication in the Project's Final Report as to what proportion of the total number of inspectors in each country these figures represent.

According to the TPRs:

**In Botswana:**

- A five day workshop was held following the audit of the ministry, in July 2005.
- A two-day workshop for labour inspection management was held in September 2007, which was attended by 28 participants.

**In Lesotho:**

- A five day workshop was held following the audit of the labour ministry, in June/July 2005.
- Training was provided to inspectors over five day on occupational health and safety in July 2006; it was attended by some 42 participants.
- Training was conducted for inspectors on hazard identification and risk assessment in December 2007.
- A two day workshop for labour inspection management was conducted in September 2007.

**In Malawi:**

- There were training workshops for labour inspectors in June and August 2006, *delivered by trained trainers*, to a total of 60 labour inspectors and two officials from other departments.

**In Namibia:**

- There was a two-day workshop for labour inspection management in September 2007 was attended by 35 people, representing over 90 per cent of the inspectorate.

**In Swaziland:**

- There was a two-day workshop for labour inspectors about their powers under the relevant legislation, attended by some 21 inspectors, reported in September 2006.
- There was a two-day day workshop for labour inspection management in September 2007, attended by the 16 people with managerial responsibilities.

### **In Zambia:**

- Labour inspection training for new recruits to the ministry was conducted in August 2005. Thirty five people attended, being 18 labour inspectors and 17 labour officers.
- A five day workshop for new appointees was held in April 2006, facilitated by the Project, but with the training *delivered by trainers from the Ministry of Labour*.

**Sub-regional:** during 2007 the Project arranged to print and publish copies of a handbook for labour inspection prepared by a former ILO official, under the auspices of ARLAC, and which is likely to promote self-learning over attendance at training, as a way of improving inspectors' capacities.

### *Conclusion*

As previously noted, it appears that the Project facilitated a significant amount of training for labour inspectors, and to good effect. The labour inspectors and their managers who met the Evaluation Team were universally grateful for the training received, and positive about its likely effects on their work and their institutions. Labour inspectors in Lesotho did observe, however, that they had received ILO-funded training on several occasions under both SLASA and ILSSA, and that there was a significant degree of overlap, rather than progression, across the training.

### *Recommendation*

Project CTAs should be encouraged to report clearly and accurately on the number of activities and the number of persons who attend them. They should also report each time on the proportion of the relevant group that their training has reached. Projects should take into account previously-delivered training when engaging consultants to organize and deliver further training on a topic.

### **Output 2.6**

In each of the six countries, Labour Ministries supported in their efforts to establish a computerized inspection and reporting system. This includes purchase of some IT equipment, training on using and maintaining the system and review of the operation of the system after 12 months of installation. This activity was due to start with computers and programmes in late 2005 and to continue through 2006 and into 2007.

According to the Project's Final Report, it sponsored the development of LIMIS software, which was delivered to each of Botswana, Lesotho, Namibia and Swaziland. The LIMIS has also been promoted more broadly through the ILO including through the training centre in Turin and in other ways. The project also provided equipment to the various project countries as follows:

- |             |              |             |          |
|-------------|--------------|-------------|----------|
| • Botswana  | 9 computers  | 5 printers  | 1 server |
| • Lesotho   | 10 computers |             | 1 server |
| • Namibia   | 13 computers | 12 printers | 1 server |
| • Malawi    | 17 computers | 9 printers  |          |
| • Swaziland | 16 computers | 11 printers | 1 server |

'Operational staff' were reported to have been trained on the use of LIMIS, and more recently there was intensive IT training for those with responsibility for maintaining the system in the countries.

Based on the TPRs and the interviews conducted during the Evaluation mission:

**In Botswana:**

- Computers were secured for the Ministry by March 2008, although difficulties were encountered late in the piece in delivering them. The Ministry was unable to sign the ILO's standard MOU about provision of equipment, because of advice from elsewhere in the government.
- LIMIS was installed and training provided in November 2007.
- Labour inspectors in Gaborone demonstrated the LIMIS for the Evaluation Team, after some computer problems were first resolved. They reported some difficulties with the lack of drop-down menus which, in their view, would limit inspectors' ability to identify necessary data and to capture it. They also reported that only some of the computers that were supplied to the Ministry are available for this purpose, and that hard copy forms are still being used in the regions, and sent from Gaborone for data entry. It was not clear whether inspectors in all the regions have been or will be trained to use LIMIS, or whether they will have the opportunity to do so. During the course of the Evaluation Team's meeting, one of the inspectors said: 'We recently discovered that the Gaborone District [office] is connected to the internet.'

**In Lesotho:**

- Ten computers, three printers and one server were provided to the Ministry, and two computers to the Labour Court, in August 2007.
- LIMIS was installed in late 2007, and the iSolve consultants who designed the programme went on a follow-up visit in February 2008.
- Labour inspectors in Lesotho were unable to demonstrate the LIMIS to the Evaluation Team due to computer problems. They reported that it was likely to improve their work, but that they were waiting for an improved version of the software from iSolve.

**In Malawi:**

- In January 2007 some 16 'computers and printers' were handed over at a ceremony attended by senior officials from the key labour relations institutions. Two computers were bought for ECAM and one each for COMATU and the MCTU.
- There is nothing in the TPRs about LIMIS in Malawi.

**In Namibia:**

- 13 computers, 12 printers and a server were provided to the Ministry.
- By September 2007 LIMIS was installed and operational in Namibia.
- Labour inspectors in Namibia gave the Evaluation Team an effective and efficient briefing on and demonstration of LIMIS. The second version of the software had arrived from iSolve.

**In Swaziland:**

- The Project supported a two week basic computer skills course for inspectors in June 2006.
- 16 computers and printers were delivered in January 2007, for use by the Ministry, CMAC and the Court.
- LIMIS was installed in September and eight inspectors were trained on its use; consultants from iSolve went on a follow-up visit in February 2008.
- For reasons that were not apparent to the Evaluation Team, labour inspectors in Swaziland were not able to demonstrate the operation of the LIMIS. In

combination with the provision of LIMIS, the inspectorate has redesigned its inspection form, and inspectors in all the regions are regularly trained on use of the new form.

**In Zambia:**

- There is no indication that LIMIS was delivered.
- In February 2007 a consultant visited Zambia to design the LIMIS system generically, for later export to the other countries in the region. The design was to be completed in April 2007.

*Conclusions*

The Project provided support for the development of LIMIS, which was then delivered to four of the six Project countries. Follow-up support was provided from the consultants who designed the software. Equipment was provided to various institutions, including labour inspectorates, who might then make use of it to administer the LIMIS. It was reported that there had been changes necessary in LIMIS, which is one of the reasons there were difficulties in demonstrating the system in Lesotho and in Swaziland. While several of the countries appear likely only to have LIMIS operating in their head offices at present, efforts are evidently in train to use the system nationally.

It is not apparent why LIMIS was not provided to Malawi and to Zambia. Nor is there any obvious reason for this: they were SLASA countries, and audits of their labour ministries were carried out early in the life of the Project. In the case of Zambia it is ironic, as this is where the consultants went to design a generic model.

The delivery of the equipment and the software all occurred much later than was planned in the Project timeline: whereas delivery of equipment and software was to begin in late 2005, LIMIS was being installed in several countries in September 2007. In other words, a key element of the activity began well after it should already have been completed. This is not something that is explained in the Project's Final Report, or in the TPRs. Neither was it explained in the course of discussions with Project management.

*Recommendations*

Project documents, and ILO instructions to project management, should make absolutely clear the timeline on which activities are to be delivered, and ensure that they are delivered in a timely way in practice.

**Output 2.7**

Improvement of the capacity of the labour inspectorates, through the provision of some means of transport.

The Project provided motorbikes in Malawi (seven bikes in January 2006) and in Lesotho (eight bikes in September 2004). In September 2006 the Project provided protective equipment for the inspectorate in Lesotho. Two refurbished cars were provided in Zambia. The Project's Final Report does not cover this output, perhaps because it carried over from SLASA, and the activities were already in train when ILSSA started.

The motorcycles provided in Lesotho were not in use when the Evaluation Team visited, and it appears have never been used. According to the Labour Commissioner it is neither the habit, nor culturally appropriate for Basotho women to use motorcycles to travel around. A number of female labour inspectors expressed no such reservations to the Evaluation Team, indeed they said they were prepared to ride them for their work, if given the training.

#### *Conclusions*

The Project delivered transport as required, although with varying effect. Further analysis of the difficulties (real or apparent) in Lesotho may be warranted.

#### *Recommendation*

Future projects might take care to ensure that equipment of this nature, if delivered, will in fact be used as intended.

### **IMMEDIATE OBJECTIVE 3: Increased use of the dispute prevention and resolution systems**

#### **Output 3.1**

Training for newly appointed members of DDPR (Lesotho) and CMAC (Swaziland); this was to be provided in the last quarter of 2004, and in the last quarter of 2005.

According to the Project's Final Report, it arranged or supported a number of courses for conciliators and arbitrators in project countries, as follows:

- **Botswana**                2 workshops    18 participants
- **Lesotho**                2 workshops    28 participants
- **Namibia**               1 workshop     30 participants
- **Swaziland**             1 workshop for conciliators and arbitrators (20 participants)  
                                 1 workshop for case management administrator (11 participants)

According to the TPRs:

#### **In Lesotho:**

- There was an assessment of the DDPR in September 2005, and a report-back workshop in 2006.
- A three-day workshop was run by a local academic for 14 DDPR staff (including the Deputy Director) on evaluation of evidence, in January 2005.
- In 2005 a two-day workshop on conciliation of rights disputes, for 14 members of the DDPR, was run by international experts (Sue Albertyn and Charles Nupen).
- In August 2005 two representatives from the DDPR attended a training session for all social partners, on labour management negotiation techniques.

#### **In Swaziland:**

- In June/July 2005 a workshop for CMAC commissioners on changes to the *Industrial Relations Act* and various aspects of law and procedure in conciliation and arbitration.
- In October 2005 CMAC case management officers were trained on a range of aspects of their work including the identification of legal issues and different types of disputes.



- In November 2006, a workshop for 14 new and part time commissioners of CMAC, on conciliation and arbitration skills was conducted by a senior commissioner from the CCMA.

### *Conclusions*

The Project largely delivered what was planned, and for the most part at the time that was envisaged for it to have done so.

### **Output 3.2**

Provision of support to newly created dispute resolution institutions in Botswana and Namibia: advisory services to develop mission statements, HR and recruitment policies, developing codes of practice and guidelines, and intensive training for staff. This work was to continue throughout 2005 and 2006.<sup>16</sup>

According to the Project's Final Report:

*Statutory institutions have been established in Botswana (Office of the Labour Commissioner), Lesotho (DDPR) and Swaziland (CMAC). In Malawi and Zambia Government opted to retain this responsibility within the Ministry and in Namibia the function is being established in the Office of the Labour Commissioner.*

*Support for the establishment has been provided through skills building workshops and through the provision of some equipment.*

According to the TPRs:

#### **In Botswana:**

- Refresher training was provided for certain part time commissioners in the Office of the Labour Commissioner, in November 2006 and December 2006. Twenty part-time commissioners were trained by a senior commissioner from the CCMA.
- Thirty one newly-appointed commissioners were trained over two weeks on mediation and arbitration, and on basic knowledge of labour legislation.
- Seventeen newly-appointed commissioners were trained over two weeks by a local consultant, some time before September 2007.

#### **In Namibia:**

- In response to a request ultimately from the Prime Minister, in September or October 2006 the Project provided training for 48 public service human resources practitioners, in anticipation of the new *Labour Act* system enabling bargaining in the public service.
- According to the PS, the Project trained all staff of the Ministry in 2005, although she did not indicate the subject matter of the training. She also reported that the Project carried out induction training for then new members of the Labour Advisory Council. In 2005 the Project provided support for some 12 staff from the Ministry to spend a week on secondment at the CCMA. The Evaluation Team spoke with two of these staff, who reported that they had found it very helpful as an exercise, and who expected to find it useful when the 2007 Act comes into force, notwithstanding the passage of time since their secondment to the CCMA.

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<sup>16</sup> The Project also foresaw, and delivered, assistance to the dispute resolution institutions that had already been established in Lesotho (DDPR) and Swaziland (CMAC).

A sub-regional workshop on dispute resolution and dispute prevention institutions was jointly organised with CMAC and the ILO/Swiss project, in May 2005. The TPR submitted in September 2006 reports that the links between the dispute resolution agencies facilitated by the forum were going to help with the running of three-day workshops on dispute resolution in Swaziland and Botswana, which were planned for November and December.

### *Conclusion*

The Project appears to have provided a significant level of well-targeted support and training to dispute resolution institutions in Project countries. It is not obvious why this would not have been better highlighted in the Project's Final Report.

### **Output 3.3**

The project was to provide simple case management systems for the dispute resolution institutions in Botswana, Lesotho, Namibia and Swaziland. The PRODOC envisaged the possibility that one system could be designed, and that the software might be adapted for the other countries in the region. This activity was due to be delivered in the second half of 2005 and the first three quarters of 2006.

The Project's Final Report says nothing in relation to this output. Based on the TPRs, it appears that by October 2005 a local IT consultant in Botswana had done some work to identify the Ministry's needs in relation to this issue, and that this included some basic ideas for a case management system. The TPR submitted in March 2006 identifies this activity as one that was to be carried out in the following months.

DDPR officials reported to the Evaluation Team that it would have liked assistance to implement a case management system, and that it had hoped that this might have been provided by the Project. Officials there gave an example that in recent times a case was listed for a hearing a second time and that this was not discovered until the hearing itself commenced, causing loss and delay for all concerned.

According to the Director of CMAC the project did provide support to improve its case management capacities: the computers and printers that have been provided have been used in part for this purpose; a dedicated printer came from ILSSA and the software came from the ILO/Swiss project. The Director also reported that an automated case management system was in operation from April (2008, it appeared) and that this was paid for by ILSSA. In Namibia the PAC reported that there is a core of staff ready to go, on the case management system, thanks to ILSSA, once the new Act comes into effect. The labour officers who met with the Evaluation Team spoke of a new case management system having been designed with assistance from CMAC, and reported that they are currently being trained to use it.

### *Conclusions*

It appears that the project made some positive contributions towards the improvement of capacity in relation to case management for ADR institutions and processes. Nevertheless, it is by no means clear to what extent the project contributed, and it also seems clear that whatever the project did contribute fell far short of what was planned in the PRODOC. In **Botswana** there was no mention at all of the Project providing any such support, or of any such system being in place or planned, notwithstanding the apparent fact that a local IT consultant had developed ideas concerning the needs

before October 2005. Now that Botswana has decided to establish an independent dispute resolution agency, presumably the need is likely to arise again. In **Lesotho** the DDPR does not have case management capacity and would have liked it. Case management capacity in **Namibia** seems to be coming with the assistance of the CCMA, rather than from the Project, although the PS acknowledged that the Project's work to train Ministry staff may improve their capacity to operate the case management system being implemented there. In **Swaziland** it appears that the Project again made some contribution that was effective toward enhancement of case management processes at CMAC, however again falling short of what is required.

### *Recommendations*

The importance of working closely with institutions to deliver basic enhancement to capacity must be made a key priority in future projects. The importance of moving early in the life of a project, wherever possible, cannot be over-emphasized. It would be preferable if both equipment and software were provided in sufficient time for its impact to be assessed well before a project ends, which did not happen in this case.

### **Output 3.4**

In all countries, tripartite constituents trained in industrial relations, tripartite negotiations, conciliation, mediation and dispute prevention. This training was due to start in the second half of 2005, and to continue through to the first quarter of 2008.

According to the Project's Final Report, it developed material for a two day workshop on conciliation and arbitration, based on material developed by the ILO/Swiss project and used in its Post Graduate Diploma on dispute settlement. The materials were used to conduct workshops in **Botswana** (one workshop for 16 participants) and in **Namibia**, where three workshops were conducted for the public sector, attended by '78 (30)' participants. It is not clear which of these numbers is accurate. In addition to these workshops, the NEF used the materials developed by the Project to conduct workshops for their members, although the Project was unable to report the numbers of workshops and participants. In **Swaziland** the Project supported two workshops for paralegals in the trade union movement, and 9 workshops on conciliation and arbitration were conducted for the social partners by CMAC.

According to the TPRS:

In **Botswana**, as noted, the Project provided training for labour commissioners; it is not clear from the TPRs what the Final Report is referring to when it describes a workshop at which 16 participants were present. In **Lesotho** the Project conducted a three day workshop in August 2005 on joint labour management negotiations, for 16 attendees from government, employers and workers.

In **Malawi**:

- The Project coordinated sensitisation workshops during 2006 on the functions of the Industrial Relations Court. The first was for District Labour Officers, with offices present from each of the 26 offices, and the three regions. The second was for the social partners, and was attended by four representatives of each.
- In September 2006 the Project conducted a day long sensitisation workshop for senior managers in the public service, and a three day workshop to equip the trade union and government members of the negotiating team on mutual gains approaches to collective bargaining. These workshops were conducted in

anticipation of a public service bargaining round due to commence in October 2006. This led to the suggestion for the activities with the Ministers in February 2007, which are elsewhere described in this report in respect of activities to sensitise parliamentarians.

- In February 2007 the Project made efforts to promote collective bargaining in the Hotel and Sugar sectors, conducting a one day sensitisation workshop for leaders which was attended by 12 people, and a three day skills workshop which was attended by 18.

**In Namibia:**

- As noted, the Project provided training to some 48 human resources practitioners in the public service.
- There was a two day workshop on collective bargaining in April 2007, attended by 14 people from both employers' and workers' organisations.
- A national consultant was retained to run conciliation and arbitration workshops for the social partners in June, August and September 2007, according to the list of external collaboration contracts. There does not appear to be a record in the TPRs of these events taking place.

**In Swaziland:**

- The Project engaged a senior commissioner from the CCMA to conduct a three day workshop for 14 new and part time commissioners and case management administrators of the CMAC in November 2006.
- Following a decision reached at a Sub Regional Workshop on collective bargaining that the Project conducted in July 2006, training on collective bargaining was delivered for members of wages councils in the security, transport and funeral undertakings industries (16 participants) and the construction, engineering and pre-school industries (June 2007; 22 participants).

**In Zambia:**

- In October 2006 the Project facilitated a workshop with trade union representatives to familiarise them with the Minimum Wages and Conditions of Employment Orders.
- In October 2006 the ZFE ran training on collective bargaining for 35 employers which drew on the sub-regional workshop on collective bargaining described below, although it is not clear from the TPR or other documents what role, if any, the Project played in that ZFE training.
- In April 2007 (following a decision taken at the Sub-Regional workshop in July 2006) there was a joint negotiation/collective bargaining skills workshop over three days in Lusaka for the mining and retail sectors which was attended by 19 participants. Unfortunately, no employers from the mining industry managed to attend.<sup>17</sup>

**Sub-Regional:** in July 2006 the project organised a six day workshop on joint labour-management negotiations, for two employer and two union representatives from each of the Project countries, to train the delegates as trainers. At the end, the participants from each country developed plans to deliver training on their return.

The TPR submitted in March 2008 indicates that collective bargaining training was to be delivered in the public service in each of the four countries; the CTA's list of Missions indicates that he would carry out this work in late July and August 2008.

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<sup>17</sup> This is drawn from a Mission Report; it does not seem to appear in a TPR.

That TPR also reports that the Project was to deliver conciliation and arbitration workshops in Lesotho for key officials in the public service Ministry, and also for the social partners. That this happened is confirmed by the CTA's list of missions. The TPR also reports that conciliation and arbitration workshops were to be held for labour commissioners in Namibia; it is however not evident from the CTA's list of missions whether this happened.

### *Conclusion*

The Project appears to have focused a good deal of energy toward achieving this output, and based on discussions with stakeholders, to good effect. Its efforts in supporting public sector negotiators, in particular, were very well received. It is not apparent in all cases, whether the training delivered and activities conducted answered the description of what was intended by the Output as originally envisaged. At the same time, the decisions made in the Evaluation Team's analysis of the TPRs may be inaccurate in their characterisation of activities relative to outputs.

### **Output 3.5**

Employers and workers in all countries trained in collective bargaining and its techniques. This activity was to start at the end of 2005 and to continue through until the third quarter of 2007.

As the Project's Final Report observes, it appears to have paid 'considerable attention to building collective bargaining skills in project countries.' Among other things, the Final Report indicates that the Project conducted:

- A training of trainers workshop for four trainers from each of Botswana, Lesotho, Namibia and Swaziland, together with several ILO officials from the ILO office in Harare.
- In **Botswana** two sensitisation workshops were conducted for senior representatives of the public sector (29 participants) and one workshop for the public sector negotiating team (25 participants).
- In **Lesotho** there was a workshop for negotiators in the textile sector (17 participants), a sensitisation workshop for senior public sector representatives (12 participants), and a workshop for the public sector negotiating team.
- In **Malawi** the Project conducted four workshops which focused on the public sector, and on the sugar and hotel industries. Forty four participants attended the workshops.
- In **Swaziland** the Project conducted three workshops for Wages Councils (37 participants), a national conference on the roles and responsibilities of wages councils (42 participants), one sensitisation workshop for senior representatives of the public sector (29 participants), one workshop for the public sector negotiating team (18 participants) and one workshop for the sugar sector (18 participants). In addition to these 'process' focused workshops, the project developed material and, in collaboration with the South African Essential Services Committee, conducted a workshop for the Essential Services Committee (nine participants).
- In **Zambia** the Project conducted two workshops with a total of 57 participants.

The Project's Final Report contains the following observation about the utility of drawing on trained trainers to conduct subsequent workshops on collective bargaining: 'Note: whereas it was intended that trainers conduct workshops for their constituencies, this strategy had little success. Trainers trained were in many instances

not available to conduct training when required to do so. In addition those who did conduct workshops, for example in Zambia, were found wanting. As a consequence workshops have been conducted by project personnel and by those ILO officials trained by the project.'

## **ANNEX TWO: OUTPUTS FOR ILSSA COMMUNICATIONS CAMPAIGN IN BOTSWANA, LESOTHO AND SWAZILAND**

### **OUTPUT 1:**

A broadcast season of interactive, half-hour **radio** programmes aired live weekly with experts from the tripartite constituents discussing the practical aspects of the labour legislation and rights at work

### **OUTPUT 2:**

High-profile, interactive broadcast events carried on a major **television** station which explores the various aspects of the national labour legislation and its importance to the working public.

### **OUTPUT 3:**

A series of articles and opinion editorials (Op-Eds), written by senior officials from the Tripartite constituents, placed with key **print** media that describes in a common vernacular the national labour legislation and fundamental rights at work

### **OUTPUT 4:**

On-going contact with **journalists**, editors and other media professionals on the issues of labour legislation and work-related issues for the development of content for media outlets and helping build better relations between them and the ILO Tripartite Constituents.

### **OUTPUT 5:**

Provide short-course media awareness **training** for select Tripartite partners to assist them in better understanding the needs of the media as well as how to respond to their requests and how to develop information and structure interaction on a pro-active basis.

### **OUTPUT 6:**

In cooperation with the NPC, develop ancillary **information products** that respond to the needs of the key audiences critical to the success of the initiative and develop a distribution pattern for wide visibility.

*All activities to be discussed with the NPCs and the CTA to assess related costs and follow-up concerns to ensure timely and effective delivery.*

## **ANNEX THREE: CTA JOB DESCRIPTION**

### **INTERNATIONAL LABOUR OFFICE (ILO)**

#### **Southern Africa Position**

Post Title:	Chief Technical Advisor (CTA)
Project Title:	Strengthening Labour Systems in Southern Africa (working title)
Executing Agency:	International Labour Organization
Duration:	12 months with possibility of extension
Duty Station:	Pretoria, South Africa
Geographical coverage:	Namibia, Swaziland, Botswana, Lesotho, Malawi, Zambia
Date required:	1 May 2004
Terms of Appointment:	See below

#### ***Introduction***

The international community has rededicated itself to observing the core values of the International Labour Organization (ILO). This commitment has been stated in the ILO Declaration on Fundamental Principles and Rights at Work ("Declaration"), in which ILO member States have undertaken to respect the following principles and rights: freedom of association and the recognition of the right to collective bargaining; abolition of forced labour; elimination of child labour; and non-discrimination in employment and occupation.

The Project in Southern Africa combines an existing project (SLASA) and a new project (hereafter capitalized, "Project"), awarded by the United States Department of Labour through competitive bidding to the ILO. The position described herein is for the post of CTA of the combined project.

The Project in Southern Africa has three broad objectives: to increase knowledge among workers and employers of the labour law in the project countries; to improve the effectiveness of labour law enforcement, labour administration and labour inspection; and to create or strengthen the dispute resolution mechanisms (i.e., conciliation, mediation and arbitration systems). Additional interventions, as



specified in the SLASA project document, may include labour legislation reform in certain countries.

The CTA will be based in the Pretoria, under the supervision of the ILO Pretoria Area Office. Technical guidance and support will be provided by the ILO's InFocus Programme on Social Dialogue, Labour Law and Labour Administration in ILO headquarters, and the Southern Africa Multidisciplinary Advisory Team in Harare (ILO/SAMAT). The Declaration Programme is responsible for overall management and for liaison with the donor.

The CTA will work in close cooperation with the labour ministries, employers' and workers' organizations in the six countries covered.

### ***Description of Duties***

- Direct the work of the Project office and supervise project staff (including 6 National Project Coordinators), and international and national consultants in design, monitoring, implementing, evaluation and reporting of project activities.
- Ensure effective implementation of the Project through timely provision of inputs, effective backstopping, timely and effective delivery of activities and outcomes, and monitoring and evaluation of the Project activities in conformity with ILO policies and project strategies, and in accordance with ILO programming guidelines and administrative and financial procedures.
- Travel regularly to project countries to ensure smooth functioning of technical, financial and administrative operations of the project, and to maintain relationship with project beneficiaries and ILO constituents. (The CTA will spend at least between 25 - 30% of his/her time travelling, due to the fact that the project is based in a non-participating country.)
- Cooperate closely with the concerned Government(s) and workers' and employers' organizations, non-governmental organizations (where appropriate), the target groups and the donor, in the planning and implementation of activities under the Project.
- In consultation with project experts, national counterparts and the Project Advisory Committee in each country, develop an overall strategy and detailed workplans for the implementation of project activities directed towards the production of project outputs and immediate objectives as indicated in the project document.
- Submit regular progress reports and workplans to IFP Dialogue and Declaration Programme at HQ, and field units, as described in the project document.

- Coordinate with UN agencies, bilateral donors, and NGOs whose programmes or mandate closely match those of this Project.
- Provide technical assistance and overall guidance and coordination for the programme advisory committee established under this project.
- Provide technical assistance and overall guidance and coordination for national institutions supported under this project.
- Establish and develop information systems covering ILO technical activities under the project and economic and social issues relevant to the Project, prepare periodic and ad-hoc reports on the status of Project planning and implementation.
- Promote the values of the ILO, including the Declaration, and the principles and rights it names.
- Liaise closely with the IFP Dialogue and Declaration Programme in Geneva
- Carry out other duties as may be assigned.

## ***Qualifications Required***

Education: Advanced university degree in labour/industrial relations, human resource management, labour law, labour or development economics, business management, social science, or equivalent in experience

Experience: At least 15 years of work experience, including at least 5 at the international level, including field experience, in project management and implementation. Proven capacity to initiate and implement technical cooperation programmes and activities with government agencies and a variety of other partners.

Government, private sector, or trade union experience with industrial relations, labour administration, human resource management, dispute settlement, and the like considered extremely valuable.

Ideal candidate will be familiar with the labour relations systems in Southern Africa. Ideal candidate will also have strong background in labour law or dispute settlement/conciliation procedures. Candidate should have demonstrated negotiating and diplomatic skills, with an ability to reach consensus among various viewpoints.

Languages: Proficiency in and ability to draft quickly and clearly in English.

Competencies: -Excellent written and verbal communication skills;

- Demonstrated ability to implement and manage international technical cooperation projects, including negotiations with governments, workers' and employers' organizations, and mobilizing the support of international donor agencies;
- Excellent consensus-building and negotiating skills;
- Ability to provide leadership and to work in a team;
- Ability to train and guide staff;
- Ability to work under time and political pressures and to meet deadlines; and
- Ability to work independently with a minimum of supervision.

## ANNEX FOUR: LIST OF MEETINGS AND INTERVIEWS

### Pretoria, South Africa

**Monday 18 August 2008**

Mr Grahame Matthewson  
Ms Judika Makhetha  
Ms M Jonathan  
Ms Lucia Rodrigues

Project CTA  
Director, ILO Pretoria  
ILSSA Project Administrative Officer  
ILSSA Project Finance Officer

### Windhoek, Namibia

**Tuesday 19 and Wednesday 20 August 2008**

Ms Ulitala Hiveluah  
Mr Tim Parkhouse

Permanent Secretary, MLSW  
Secretary General, Namibian Employers' Federation  
Deputy Director Employment Services, MLSW  
Deputy Director for International Relations and Advice (MLSW)

Mr Albius Mwiya  
Mr Christiaan Holt

Chief Labour Relations Officer, MLSW  
Acting Secretary General, NUNW  
Control Labour Inspector, MLSW  
Head, Research and Education, LaRRI  
Head, Finance and Administration, LaRRI  
Administrator, LaRRI  
Acting Director, Labour Inspection, MLSW  
Control Labour Inspector, MLSW  
Machinery Inspector, MLSW  
Secretary, MLSW  
Control Labour Officer, Office of the Labour Commissioner  
Control Labour Officer, Office of the Labour Commissioner

Ms Danelie Naris  
Mr Moses Shiikwa  
Mr Otto Tlangombe  
Mr Herbert Jauch  
Albertina Erastus  
Ndinelago Shipiki  
Mr Andries Smit  
Mr Otto Mangambe  
Mr Gerome van Wyk  
Ms Josephine Sheepo  
Ms Meriam Nicodemus

Ms Kyllikki Sihlahla

### Gaborone, Botswana

**Thursday 21 and Friday 22 August 2008**

Ms Segakweng Tsiane

Permanent Secretary, Ministry of Labour and Social Security  
Labour Commissioner  
BFTU Staff  
Secretary General, Secondary School Teachers' Union

Mr Claude Mojafi  
Ms Tapiwa Mabifhi  
Mr Kwenasebele Modukanele

Trainers and Allied Workers Union  
BFTU member  
BFTU member  
BFTU member  
President, BFTU  
Deputy Director (DPSM)

Edward Tswaibe  
Boitumelo Leladi  
Ruth Nyathi  
Norbert Motsumi  
Jaffta Radiba  
Ms Pearl Mantome

Ms Itsweng Mompoti  
 Rose Sennanyana  
 Boniface Tsheko  
 Willard P Ulaula  
 Selkfo Mosanako  
 Justice de Villiers  
 Justice Mathipa  
 Mr Norman Molele  
 Ms Gaboiphiwe Nkgowe  
 Mr E Ditau  
 Mr L Ketlaaleka

Senior Assistant Director (DPSM)  
 Senior Assistant Director (DPSM)  
 Assistant Director (DPSM)  
 Assistant Director (DPSM)  
 Assistant Director 2 (DPSM)  
 Judge, Industrial Court  
 Judge, Industrial Court  
 Vice President, BOCCIM  
 NPC  
 Head of Dispute Resolution, DLSS  
 DLSS

### **Mbabane, Swaziland**

### **Monday 25 and Tuesday 26 August 2008**

Mr Percy T Maziya  
 Ms Sindie Mango

Assistant HR Manager, Ubombo Sugar Limited  
 HR Manager, Swaziland Water Services Corporation

Ms Zodwa F Mabuza  
 Judge Nkonyane  
 Sihle Mlangeni  
 Stulcie Motsa  
 Bonginkosi Fakudze

CEO, FSE&CC  
 Judge, Industrial Court  
 Labour Officer and LIMIS Administrator  
 Senior Labour Officer  
 Labour Officer and LIMIS System Administrator

Mdudusi Vilakati  
 Khabo Dlamini  
 Khabo Dlamini  
 MEDIA PEOPLE – NAMES??  
 Vincent Ncogwane  
 Siphephiso Dlamini  
 Ms Happiness Dlodlu  
 Mr Cyril Kunene

Senior Labour Officer  
 Principal Labour Officer  
 Principal Labour Officer

Zodwa Earnshaw  
 Osuart V Sukati  
 Elizabeth Matsebule  
 Jan Sithole

Employee Rep, Swaziland Federation of Labour  
 Executive Director, CMAC  
 NPC  
 Principal Secretary, Ministry of Public Service and Information  
 SNAGAP Member  
 SNAGAP Vice President  
 SNAGAP Member  
 Secretary General, Swaziland Federation of Trade Unions

Reuben  
 Patrick  
 Micah

Swaziland Federation of Labour  
 Swaziland Federation of Labour  
 Swaziland Federation of Labour

### **Maseru, Lesotho**

### **Wednesday 27 and Thursday 28 August 2008**

Mr Maketha  
 Ms Valeria Lesofe  
 Mr Thabiso Mohapi  
 Tebolto Tšoeu  
 Arbitrator Malebanne  
 Motheba Malibeng

President, ALE  
 Presenter, Catholic Radio Lesotho  
 Deputy Director DDPR  
 Dispute Prevention Officer  
 DDPR Arbitration Officer  
 Labour Inspector

Mamphaphathi Molapo  
Limphe Ramoseeka  
Momorema Makha  
Motselisi Thaanyane  
Relebohile Rampai  
Molebatsi Koalepe  
Judge Lethobane  
Ms Rethabile Sakoane  
Ms Mothepa Ndumo  
Ms Mamohate Matsumo  
Mr Marake Makhetha  
Mrs Mapulumo Mosisili  
Bethuel They  
Khutliso Sekoati  
Daniel Maraisawé

Ms Tankiso Masao

Ms Mamahouana Nkeli  
Mr S'khuwmi Ntsoale

### **Pretoria**

Mr Grahame Matthewson  
Ms Judika Makhetha

Labour Inspector  
Junior Labour Officer  
Junior Labour Officer  
Junior Labour Officer  
OSH Inspector  
Labour Inspector  
President, Industrial Court  
NPC  
National Consultant  
Labour Commissioner  
Economic Research Officer, LECODU  
Deputy Permanent Secretary  
Managing Editor of Public Eye  
Chief Reporter, responsible for workplace  
LEGAWU member, and Vice President of  
LECODU  
Director, Employment Relations Ministry of  
Public Service  
Director, Human Resources, Ministry of Justice  
Executive Secretary, Lesotho Public Service  
Staff Association

### **Friday 29 August 2008**

Project CTA  
Director, ILO Pretoria

## **ANNEX FIVE: FINAL EVALUATION TERMS OF REFERENCE**